Supreme Court, U.S.
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No.

In The

Supreme Court of the United States

October Term, 1993

In Re L. Shieh **Petitioner,**

Petition for Writ of Certiorari to the Supreme Court of the State of California

PETITION FOR WRIT OF CERTIORARI

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247 pp

QUESTIONS PRESENTED FOR REVIEW

*Justices of the California Court of Appeal determined to completely deny Shieh's right of access to the courts by sending Shieh to jail.

*Judge Cox: "This is an unusual case where they've extended it [vexatious litigant] to them when he has an attorney representing him. As I tell you, they're [Justices of the Court of Appeal] my bosses, and I can't overrule the District [sic] Court of Appeals."

*Judge Kakita: I want to get rid of all of Shieh's cases.

The questions presented, as the first impression, to this court for review are:

1. Whether a non-Caucasian person's due process right to have his cases determined by neutral and detached justices is violated when Justices of the California Court of Appeal colluded with, and in league with certain large Caucasian

law firms, and are hostile to Petitioner and all of his lawyers.

(1) Whether Justices can create a false basis for declaring Petitioner a vexatious litigant("VL") by stating Judges Teviziran, Davies, Pfaelzer, and Millard, declared him a VL, while these judges have never declared Petitioner a VL, and therefore, based on the non-existent declarations can they declare Petitioner a vexatious litigant, under California Code of Civil Procedure ("CCP") Sec. 391 (b) (4)?

(2) Whether Judge Kakita and the Justices of Court of Appeals are hostile and discriminatory against Petitioner and his lawyers because of Petitioner's race, color, national origin and religion, by attempting to send Petitioner and his lawyer to jail in order to protect the large Caucasian law firms?

2. Whether California Courts violate Petitioner's and all of his lawyers' constitutionally and federally protected rights by declaring all of Petitioner's current and future counsels as "puppets" of Petitioner, without any basis, notice and hearing, and by permanently, completely and totally prohibiting all of Petitioner's current and future lawyers from filing and maintaining any paper, complaint, cross-complaint, appeal, writ and petition for review, and whether such declaration and the permanent pre-denial order conflict with the decisions of all other states and federal courts.

(1) Whether the California Court of Appeal, as a reviewing court, has original jurisdiction to declare Petitioner, a defendant represented by several lawyers, "in propria persona" and a vexatious litigant and whether the

California Court of Appeal acted as a Legislature to change the law and the constitution in conflict with the decisions of all other states and federal courts?

(2) Whether the California Courts violate the principal of the separation of power, the right to counsel, attorney-client privilege, First, Fourth, Fifth, Sixth, and Fourteenth Amendments by issuing the permanent pre-denial orders against Petitioner and Petitioner's current and future lawyers?

(3) Whether the permanent pre-denial order violates petitioner's and all of his lawyers' fundamental rights to access to the court, and the First Amendment rights?

(4) Whether the permanent pre-denial order constitutes a taking of life, liberty and property without due process of law, where the petitioner and his

family members were subject to at least three assaults, batteries and breaches of peace committed by Caucasian lawyers, without any judicial redress, and subject to endless complaints against Petitioner as the California Court uniformly dismissed all Petitioner's complaints, cross-complaints, appeals, writs and petitions for review filed by his lawyers.

(5) Whether Justices Spencer, Vogel and Ortega can order the California Court to dismiss all of Petitioner's lawsuits pending on Petitioner's payment of $305,326.00 alleged sanctions where Petitioner has never been sanctioned for $305,326.00 and where Petitioner has no money to pay such sanctions, said order has resulted in the dismissal of all of Petitioner's and his co-plaintiffs' and co-defendants' complaints, cross-complaints, appeals, writs and petitions for review.

3. Whether 28 USCA § 1367 in conjunction with the application of California vexatious litigant statute is constitutional where 28 USCA § 1367 allows the federal court to decline to exercise jurisdiction over state claims, where the California courts, the California court also decline to exercise jurisdiction over the same state claims by applying the vexatious litigant statute to block Petitioner's and all of his lawyers' access to both federal and state courts.

4. Whether the California vexatious litigant statute is vague, ambiguous, OVERBROAD and unconstitutional, because the California Courts can declare anyone in the world in pro per and a vexatious litigant and can issue permanent pre-denial order without any standard, and without rehabilitation, and whether the decision of the California court conflict

with the decisions of all other states and federal courts.

(1) CCP Sec. 391 (a), the term "civil action or proceeding", as applied to Petitioner by the California courts, includes "everything", such as other people's litigation, other judges' comments on other persons, tax matters, and complaints with state bar, which is in the conflict with the decision of Eagle Thrifty v. Hunter Lake 85 Nev. 162, 451 P.2d 713 (Supreme Court of Nevada, 1969), and the decisions of all other states and federal courts.

(2) California courts defined "in prop per" under CCP 391 (b), (d), and (e) to include any person (natural and non-natural), who is represented by lawyers, is in conflict with the decisions of all other states and federal courts.

(3) California courts defined a "declaration" of someone a vexatious

litigant under CCP Sec. 391 (b)(4) to include "everything" in the world including, but not limited to, non-existent declaration and non-final declaration in conflict with the decisions of all other states and federal courts.

(4) California courts defined a "vexatious litigant" under Sec. 391 (b) to include "everybody", including a defendant, a defendant's lawyer, and a corporation in conflict with decisions of all other states and federal courts.

(5) CCP Sec. 391.1 applied to petitioner only means a dismissal of the entire action with prejudice.

(6) CCP Sec. 391.2, as applied by the California courts to Petitioner only, means a dismissal of the entire action with prejudice, in conflict with its clear and plain language, and with the decision of other states and federal courts.

(7) CCP Sec. 391.6, as applied by the California court to petitioner, means an "irrebutable presumption of guilty" and "no right to prove innocence", which grants a license to both the courts and the Caucasian litigants to lie and to file perjured declaration without subject to penalty of perjury, is unconstitutional and conflicts with the decisions of all others states and federal courts.

(8) California court defined "a pre-filing order" as a "permanent pre-denial order", "new litigation" as "new and pending complaint, cross-complaint, appeal, writ and petition for review", and "in propria persona" as "in propria persona or through his counsel", under CCP § Sec. 391.7 (a), which conflicts with the decisions of all other states and federal courts.

(9) In CCP §391.7 (c), the term "any party" was defined by the California

courts as "California courts for Caucasian litigants".

LIST OF PARTIES

L. Shieh, an individual, is the only party in this matter. The Respondents in this matter are the Supreme Court and the Court of Appeal of the State of California.

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OPINION BELOW

A. The opinion of the Supreme Court of California dated November 4, 1993, which denied the petition for review with one vote that "Panelli, J. is of the opinion the petition should be granted", is attached in this Petition, Petitioner's Appendix A.

B. The Published opinion of the Court of Appeal dated August 12, 1993, 17 C.A. 4th 1154, 21 C.R. 2d 886, which declared Petitioner a vexatious litigant ("VL") and imposed a permanent pre-denial order upon Petitioner and all of his attorneys, as well as ordered Petitioner to pay $305,326.90 alleged sanctions, which no court has ever imposed, is attached in this Petition, Appendix B.

C. Order to show cause of the California Court of Appeal dated July 7, 1993, why Petitioner should not be declared a vexatious litigant, is attached in this Petition, Appendix C.

D. Default judgment, against Petitioner and co-defendants Percy Chin and PSJ Corporation, is attached in this Petition, Appendix D.

JURISDICTION

Pursuant to the Supreme Court Rule, Rules 10.1 (b) and (c), this Court will review a state judgment by writ of certiorari, "when a state court of last resort has decided a federal question in a way that conflicts with the decision of another state court of last resort or of a United States court of appeals," and "When a state court . . . has decided an important question of federal law, which has not been, but should be, settled by this court, or has decided a federal question in a way that conflicts with applicable decisions of this court."

The Petition For Writ of Certiorari was filed within 90 days of

November 4, 1993, as required by 28 U.S.C. Sec. 2101 (c) and Supreme Court Rules 13.1 and 13.4. Jurisdiction is proper under 28 U.S.C. Sec. 1257 (3).

FEDERAL LAW INVOLVED

A. California vexatious litigant statute, Code of Civil Procedure ("CCP") Sec. 391 through 391.7 is attached hereto as Appendix Q.

B. First Amendment[1].

C. Fifth Amendment[2].

D. Sixth Amendment[3].

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[1] "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

[2] "No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentation or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

E. Fourteenth Amendment[4].

F. Interstate Privileges and Immunities Clause, Article IV, Section 2, and the Commerce Clause.

STATEMENT OF CASE

Petitioner Shieh's[5] lawyers filed a complaint in the federal court

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3 "In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, with district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witness against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of counsel for his defense.

4 "All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privilege or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

5 To block Petitioner's right of access to the courts, California courts issued two body attachments with a bail of $100,000 for each bench warrant against Petitioner, and on February 10, 1994, Shieh was incarcerated in County Jail until February 16, for alleged his failure to appear in the court on May 24, 1993. This tragedy stems from the following stories. In the April 22, 1993 hearing, when the hearing was concluded and the matter in the Christopher case (BC 054981) was over, defendant William Highberger in

the Christopher case stood up from the audience seat requesting the court to order Shieh to appear in the May 24, 1993 hearing. California Superior Court Judge Kakita granted defendant William Highberger's oral request, ordering Shieh to appear on May 24, 1993 as the counsel of record. In the Christopher case and Castellano case, Shieh had been represented by attorneys Richard Hopkins and Guy Rollins. He was not the counsel of record, and then he did not appear in the court on May 24, 1993. In the May 24, 1993 hearing, Judge Kakita held Shieh in contempt alleging (1) he did not show up in the court and (2) he violated the stay order by filing a motion to compel deposition. As to the second charge, the following facts must be noted. First, the motion to compel was filed by Shieh's counsel Mr. Guy Rollins, and since Shieh was only the client, he did not and he could not file any paper in the court. So, even if the filing of the motion to compel violates something, it is Mr. Rollins, not Shieh, who should be responsible for this. Second, during the stay, defendant Highberger filed several motions to take discovery. But, the court did not punish and even did not blame Highberger for violating the stay order. This is discriminatory. Such discrimination and violation of equal protection were evidenced by Judge Kaufman's express statement. In the February 15, 1994 hearing in which Shieh's contempt matter was heard, the California Superior Court Judge Kaufman expressly declared that the stay order only applies to plaintiff (Shieh and Say & Say), not including defendant (Highberger, Castellano, et al.). California judges/justices' discrimination is egregious (as demonstrated by Rodney King case).

On June 28, 1993, Judge Kakita issued two body attachments against Shieh without bail. On or about July 12, 1993, when Judge Kakita realized the mistake, he amended the order by setting a bail of $100,000.00 for each case. As admitted by Judge Kaufman, even a felony criminal will not be ordered to provide $100,000 bail. What is the basis of the California judge's decision? Law, Constitution, justice? Or race, color, religion, national ancestry or personal likes/dislikes?

No reasonable mind can see the basis, factual or legal, for the contempt holding. When Shieh paid the bail on February 15, 1994, and he was ordered to be released at 6:00 p.m.,February 15, 1994, however, he was told that

against Fulbright & Jorwaski ("FJ"), the seventh largest law firm in the world, and Quinn, Kully and Morrow ("QKM") for certain misconduct committed by them ("Ebershoff Federal"). The spouses, relatives and close friends of FJ and QKM are judges, and justices of the California courts[6]. FJ's former clients also filed

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since the Jail's computer system was broken down he cannot be released until the computer system works normally (next afternoon). So, Shieh had not been released until 10:a.m., February 16, 1994 only because of something wrong with the Jail's computer system. Would Shieh continue his imprisonment forever if the computer can never be fixed? Is this the alleged most democratic country in the World?

The date of February 10 is the traditional Chinese New Year Eve, and the next day, February 11, is a legal holiday and the court will not open. That the California court choose such a time to arrest Shieh solely reflects the judges/justices' discrimination, hostility and retaliation against minority litigant Shieh.

The California court also held Petitioners' attorney Andion in contempt with ten day jail term, for the alleged violation of the stay order. As indicated above, the motion to compel was filed by attorney Rollins, and at that time Mr. Andion was even not the attorney of record. The court's order also indicated that Mr. Andion was not recognized as the attorney of record. However, attorney Andion was held in contempt in conflict with "double jeopardy" for the alleged violation he has never committed.

6 E.g., Morrow is the President of California State Bar. Her husband Paul Boland is a California judge. Many judges and justices are interested parties, but refused to rescue themselves.

lawsuits against FJ and QKM to take back clients' trust funds, and clients' files which FJ and QKM have commingled and embezzled and have refused to return to them for nearly three years ("Hathaway Federal").

While both actions are pending in the federal court, FJ and QKM filed a complaint against PSJ Corp., and Percy Chien, as well as their counsel of record Hollingsworth and Shieh for the alleged defamation based on the attorney-client communication between Shieh and PSJ Cor. , and Chien ("FJ Action"), in the California Superior Court.

FJ Action was specially assigned to Judge Kakita.

Shieh's lawyers filed the motion to abate, stay or dismiss because FJ Action should have been the compulsory counterclaim of the Ebershoff Federal and Hathaway Federal. Immediately after that

Motion was denied on or about June 17, 1992, the California Superior Court entered default on June 18, 1992, and subsequently default judgment[7], in clear violation of CCP Sec. 418 (d) which prohibits the California court to enter default before the expiration of 10 days after service of notice of ruling. Shieh's lawyers filed Notice of Appeal[8]. Petitioner in this FJ Action has been always represented by approximately five law firms. Instead of reviewing the merits of the appeals, Justice Spencer[9] hostilly issued an order to show cause why defendant Shieh should not be declared as

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[7] Appendix D is the most outrageous default judgment of $176,278.55 against Petitioner, PSJ and Chien even if FJ suffers no damages.

[8] The Petition For Writ of Certiorari, dated January 12, 1994, in the FJ case is now pending in this Court for review 93-____ (Araiza v. Shieh and Fulbright & Jaworski v. PSJ, Chien, Shieh, et al.,)

[9] Justice Spencer is a graduate of Southwestern Law School, a local law school, and is deeply rooted with local policies and large law firms (from her resume).

a vexatious litigant under CCP Sec. 391(b)(4).[10] Appendix C.

None of the vexatious litigant requirements was satisfied.[11]

The request for discovery to prove that Petitioner is not in pro per and is not a vexatious litigant was denied.

Justice of the California Court of Appeal created the non-existent grounds as basis to declare Petitioner a vexatious litigant.

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10 CCP Sec. 391 (b) (4) provides that "'vexatious litigant' means a person who does any of the following: . . . (4). Has [1] Previously been declared to be [2] a vexatious litigant by [3] any state or federal court based on the [4] same or substantially similar [5] facts, transaction or occurrence." (Emphasis added)

11 The California courts' record and the above declarations clearly demonstrate that Petitioner (1) has never acted in propria persona without a lawyer, (2) has never acted, and is impossible to act as "in propria persona co-counsel," (3) has never drafted those pleadings as alleged by California Court of Appeal, (4) has never been declared as a vexatious litigant by any federal judge, such as Judges Tevrizian, David and Pfaelzer, or by Judge Millard of California Superior Court, (5) has never been finally declared vexatious litigant by any court, (6) has never been sanctioned for $305,326.90, and has never done anything alleged by the California Court of Appeal.

Petitioner's lawyers also filed Castellano Federal, and Christopher Federal with the U.S. District Court for the Central District of California ("USDC"). USDC declined to exercise jurisdiction over the state claims in both cases and Ebershoff Federal(28 USDC Sec. 1367 (c)). Petitioner's lawyers were forced to file the same state claims with the California state court "within 30 days" after they were dismissed (28 USCA Sec. 1367 (d)), namely Castellano State, Christopher State and Ebershoff State.

Superior court Judge Kakita stated that he would get rid all of Petitioner's cases before he has any chance to review any of Petitioner's cases, and he later admitted that he did make that statement[12]. Appendix Z.

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12 Judge Kakita did exactly what he promised to the large law firms by declaring Petitioner a VL in Castellano State and Christopher State. Judge Kakita further ordered Petitioner to post more than $44 million security for Christopher State and more than a half million dollars for Castellano State, for the in pro per defendants' attorneys

Some, not all, California judges and justices are discriminatory. As judge Cox admitted: "It is unusual case where they've extended it [vexatious litigant] to them when he has an attorney representing him. As I tell you, they're [Justices of the Court of Appeal] my bosses, and I can't overrule the District [sic] Court of Appeals." [13]

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fees within 10 days, otherwise petitioner's cases would by dismissed. See e.g., Appendix U and V.

The sole ground that Judge Kakita declared Petitioner a VL is that Petitioner's lawyers filed the same state claims in the California state court, pursuant to 28 USCA Sec. 1367 (d). Pursuant to the clear and plain language of the California VL statute, Appendix Q, under no circumstance, can Petitioner be legally and constitutionally declared a VL under Sec. 391 (b) (4) because Petitioner has never been declared a VL by anyone in the world. Camerado v. Superior Court (3d. Dist. 1993).

In accordance with the holding of the Camerado case, 12 C.A. 4th 838, 16 C.R. 2d. 42, 44 ("Camerado"), Petitioner cannot be declared as a VL under either 391 (b) (2) or (b) (3) because Petitioner was represented by the Law Office of Lucien Schmit and the Law Office of Richard Hopkins, and therefore, was/is not "acting in propria persona in the very proceeding." Camerado, supra, 12 C.A. 4th 842, 16 C.R. 2d 44. For the same reasons, Judge Kreiger cannot follow Judge Kakita to declare Petitioner a VL subsequently, because Petitioner has been always represented by at least two law firms in the Ebershoff State.

[13] As matter of facts, those California judges (such as Judges Kakita and Kreiger) and justices of the California

Judges Kakita and Krieger and Justice of the California Court of Appeal, used the "irrebuttable presumption of guilty," and "no right to prove innocence" to prohibit Petitioner and his lawyers from (1) filing any paper, including oppositions to defendant's motions for contempt, and for $100,000.00 sanction, and (2) conducting any discovery to prove Petitioner is not in pro per, is not vexatious litigant, and has a reasonable probability to prevail in the state action.

Petitioner lawyers appealed from all false declarations of Shieh a VL, pre-denial order and other orders, which were pending in Divisions Two and Three of the 2d Dist. In stead of reviewing such

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Court of Appeal, who initially or subsequently declared Petitioner a VL has never seen Petitioner in any court, and has never seen Petitioner filed any paper in pro per, in the past few years or in their lives. How could a person who has been always represented by lawyers be declared a VL.

appeal, Justice Spencer of Division One declared Shieh a VL before other divisions had any chance to review Shieh's appeals. Justice Spencer initially destroyed Shieh's career and remedies, falsely portraying Petitioner and by permanently and completely blocking his and his lawyers' right of access to the courts.[14]

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14 English is Petitioner's third language. Petitioner speaks English with a strong accent that no judge can understand. He is not a litigator. Accordingly, all pleadings and papers were prepared and drafted by his lawyers' offices. Some of his lawyers retain foreign assistants, who came from a different country than Petitioner. Justices falsely concluded that every pleadings filed with Division One, from "syntax, grammar, style and tone" was prepared by Petitioner. Appendix B. This is totally false. All pleadings filed with Division One were initially prepared by G. Li and M. Ma, two foreign legal assistants retained by the Law Office of James L. Andion. See Declarations of G. Li and M. Ma. Appendix AA and BB. Attorney James L. Andion has practiced law in California for over 15 years and attorney Guy Rollins has practiced law for over 20 years. Both are Caucasian lawyers whom Petitioner has never met prior to the retainer meeting. Shieh Dec. Appendix E and F.

Not one piece of allegation in the California Court of Appeals' decision is accurate. There are too many false statements fabricated by Justice Spencer to explain here. The California Court of Appeal created and rewrote a new statute and new a constitution and intruded into the Legislature's realm, by declaring Petitioner a vexatious litigant and his current and future counsels were his puppets.

The term "co-counsel" as defined by U.S.D.C. Central District of California Local Rule 2, 2, 3, 4 as

Caucasian lawyer Gary Hollingsworth and his wife assaulted and battered Petitioner, which resulted in Petitioner's body injury as evidenced by the police report[15] and a medical doctor's report. The default judgment in Hollingsworth's complaint for alleged unpaid legal service was entered against Petitioner, but the cross-complaint filed by Petitioner's lawyer for assault and battery, et al. was automatically dismissed without notice and hearing because of the "pre-denial" order.[16]

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two or more attorneys representing the same party. Petitioner is neither in pro per, nor as a co-counsel in any of his cases.

15 See e.g., Andion's letter. Appendix M

16 Caucasian lawyers Eisen, Ritt and Mason directed two different people to commit assault, battery and breach of peace against Petitioner and his family member (including an one year old baby) twice. Appendix L and M. The pre-denial order prohibits Petitioner and his family members from filing any complaint because all documents were automatically dismissed without notice and hearing and because anyone who has any connection with Petitioner, has been and would be declared as Petitioner's alter ego and thus vexatious litigant.

After the pre-denial orders were issued, Caucasian lawyers filed endless lawsuits in the California courts against Petitioner, and filed endless perjured declarations against Petitioner, his lawyers and his

REASONS FOR ISSUING A WRIT OF CERTIORARI

The worst result in the American history must come to an end by granting the review of this Petition.

This Petition presents to this Court the first impression, in the entire American legal history, of several extremely special and important constitutional and federal law issues for granting certiorari.

The State of California is the only state in the United States which has the VL statute. California courts are the only courts which acted beyond statute to prohibit all of Petitioner's lawyers from filing any "paper" for life. California courts are the only courts in this nation which still use "irrebuttable presumption of guilty", with "no right to prove

clients because Petitioner and his lawyers would never have any chance to prove their perjury.

innocence". The California courts are the only courts in this nation which created "Los Angeles riot" because of the Rodney King's trial. The California courts are the only courts in this nation which completely disregard the clear and plain language of statute in violation of "separation of powers". The California courts intentionally, and repeatedly ruled in conflict with its own statutes and its own decisions as well as the decisions of all other states and federal courts, and violate the legislature's clear mandate, because of Petitioner's race, color, national origin and religion.

The California Court of Appeal on its own motion declared a defendant, a VL and issued a permanent injunction, without boundaries, against Petitioner and all of his lawyers. The underlying

fundamental right of access to the courts violated by the California courts.[17]

ARGUMENTS

I. PETITIONER'S DUE PROCESS RIGHT TO HAVE HIS CASE DETERMINED BY NEUTRAL AND DETACHED JUSTICES WAS VIOLATED WHEN JUSTICES OF THE CALIFORNIA COURT OF APPEAL COLLUDED, AND IN LEAGUE WITH CERTAIN LARGE CAUCASIAN LAW FIRMS, AND ARE HOSTILE TO PETITIONER AND ALL OF HIS LAWYERS

A. Lack of Neutral and Detached Justices

The Justices of the California Court of Appeal threatened to send

[17] Petitioner lawyers have filed several dozens of requests for permission to file papers, but all of them were ignored and summarized denied without notice and hearings. The pre-denial orders are applied retroactively to all pending complaints, cross-complaints and appeals, including those filed before the new VL statute was enacted in September, 1990 and all are automatically dismissed as soon as the judge and justice learn about this decision.

This decision is a published decision and has affected all litigants in the nation. As long as a judge discriminates against a litigant, the judge can always declare that litigant a VL, impose lifetime pre-denial order against him and his lawyers.

Petitioner to jail in order to permanently and completely deny Petitioner's and his lawyers the fundamental right to access to the courts, and freedom of expression. The Justices are hostile to Petitioner's lawyers in all hearings. See Andion's Declaration.[18] Appendix H.

Some California Judges and Justice have lost their independence as neutral and detached judges.

As Judge Cox for the county of Orange stated "This is an unusual case where they've extended it to them when he has an attorney representing him . . . As I tell you, they're my bosses, and I can't overrule the District Court of Appeals."

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[18] Not surprising, the Justices, while finding absolutely no evidence since they have never seen Petitioner in their life, fabricated a factual pattern and based thereupon, issued a published decision to declare Petitioner as "in pro per co-counsel", which is totally untrue, and a vexatious litigant, and issued a pre-denial order to permanently, completely and automatically dismiss all of Petitioner's Complaints, cross-complaints, appeals, and writs.

See, Transcript of December 7, 1993 hearing. Appendix s.

This brings into question of fundamental right of Petitioner as a litigant to have his cases determined by neutral and detached justices. In Concrete Pipe and Products of California, Inc. v. Construction Laborers Pension Trust For Southern California 113 S.Ct. 2264 (1993), this Court noted: "Before one may be deprived of a protected interest, whether in a criminal or civil setting, one is entitled as a matter of due process of law to an adjudicator who is not in a situation which would offer possible temptation to the average man as judge which might lead him not to hold balance nice, clear and true."

Due process requires a neutral and detached judge in the first instance. Ward v. Village of Monroeville 409 U.S. 57, 61-62; 93 S.Ct. 80, 84; 34 l.Ed.2d 267

(1972). Even when a legislature delegates adjudicative functions to a private party, the command is no different. Schweiker v. McClure 456 U.S. 188, 195; 102 S.Ct. 1665, 1669; 72 L.Ed. (1982).

There has been a pattern of bias, prejudice and hostility against Petitioner and his lawyers, on the basis of his race, color, national origin and religion, in part. The Justices of the California Court of Appeal are "in league with those [rich, large, powerful and influential law firms which] were bent upon abrogation of federally protected rights." Pulliam v. Allen 466 U.S. 522; 104 S.Ct. 1970, 1980.

B. The California Justices/Judges Violate Their Judicial Duty To Be Independent

1. California Judges/Justices Created False Stories In Order To Have Petitioner Declared A Vexatious Litigant.

The sole authority that the California court cited to declare Petitioner a vexatious litigant is CCP § 391 (b) (4). However, the application of CCP §391 (b) (4) was based on non-existent stories. Petitioner has never been declared a vexatious litigant by Judges Tevziran, Davis, Pfaeziler and Millard. If this Court take a judicial notice, it would be easily found: (1) there was no motion to declare Petitioner a vexatious litigant; (2) there was no order to show cause; (3) there was no hearing ; (4) there was no ruling that Petitioner was a vexatious litigant; and (5) Petitioner was not even a party before Judge Tevrizian, and Judge Millard of Orange County and they did not handle any of Petitioner's cases. A judge's comment can never constitute a "declaration" under the definition of CCP § 391 (b)(4), as admitted by Judge Krieger. Appendix R.

The California judges/justices always made a one-sided ruling against Petitioner and were guilty of misconduct many times in breach of their judicial duty. It is submitted, the only standard the judge should abide by is justice, fairness and the merit of the matters. However, the said judges/justices did not act independently as the U.S. Constitution and law require. Instead, they (1) created false and non-existent allegations to justify their erroneous decisions; (2) changed and rewrote the statute in order to exclude Petitioner from judicial remedy; (3) covered up their misconduct and the facts[19] in order to have Petitioner meet the vexatious litigant statute; (4) relied upon their "irrebuttable presumption of guilty" to

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19 Ryland v. Shapiro, 708 F.2d 967 (5th Cir., 1983) (covered up facts of murder, interfering with right of survivors to file wrongful death claim, stated a claim under Sec. 19832; Jackson v. Procunier 789 F.2d 307 (5th Cir., 1986) (deliberately interfered with mailing causing appeal to be dismissed).

deny Petitioner's lawyers' request to conduct discovery.

C. Judge Kakita and the Justices of the California Court of Appeal Are Hostile And Discriminatory Against Petitioner And His Counsel By Attempting To Send Them To Jail In Order To Protect The Large, Politically and Financially Powerful Caucasian Law Firms

Judge Kakita's attitudes: (1) he agreed with the Caucasian law firm to get rid of all of Shieh's cases; (2) he issued two body attachments without bail against Shieh in Castellano State, BC059833, and Christopher State, BC 054981, and (3)he sentenced Petitioner's Attorney James Andion to county jail for ten days for some acts he had never committed. The Justices of the Court of Appeal are always hostile and discriminatory toward Petitioner and his counsel Mr. Andion. In many hearings, Justice rudely refused to

allow Mr. Andion to make a complete argument, used insulting words against Mr. Andion, allowed the Caucasian lawyers to make long speeches in the courtroom without interruption. Throughout the published Decision, it was filled with emotional language, bias, discrimination, false allegations, unconstitutional application of law, and hostility toward Petitioner and his counsel.

II. THE CALIFORNIA COURT'S DECISION DIRECTLY CONFLICT WITH THE DECISIONS OF FEDERAL COURTS

A. California Court's Pre-Denial Order Deprives Petitioner of His Right of Access To The Courts

The right of access to the courts is guaranteed by the U.S. Constitution. The California court's predenial order directly violated

Petitioner of his right of access to the courts and First Amendment Right.

The right of access to the courts has long been held as: (1) "a vital constitutional right." (In re Oliver, 682 F.2d at 446, (3rd Cir. 1982)); (2) a "general rule". (Pavilonis v. King, 626 F.2d 1075, 1079 (1st Cir. 1980)); (3) "a fundamental tenet of our judicial system; legitimate claims should receive a full and fair hearing no matter how litigious the plaintiff may be." (In re Oliver 682 F.2d 443; Pavilonis v. King, supra at 1079; Ruderer v. United States, 462 F.2d 897, 899 (8th Cir. 1972)); and (4) "protected by the First Amendment." (California Motor Transport Co. v. Trucking Unlimited, 404 U.S. 808, at 517 (1972)).

The court "has recognized a right of access to the courts in several distinct situations. First, the court has

recognized a right to sue and to defend as one of the privileges and immunities of citizenship that may not be denied by one state to citizens of another." Chambers v. Baltimore & Ohio R.R., 207 U.S. 142, 148, 28 S.Ct. 34, 35, 52 L.Ed. 143 (1907).

"More to the point, the Supreme Court has held that the Due Process Clause of the Fourteenth Amendment encompasses a right of access to the courts to allow vindication of fundamental rights that cannot be otherwise protected" Boddie v. Connecticut, U.S. 371, 374, 91 S.Ct. 780 (1971).

Even prisoners "have a constitutional right of access to the courts." Boddie. "This right has been characterized as 'fundamental'". Boddie, supra.

The pre-filing order in essence is a predenial order as in the petitioner's case, which totally,

completely and permanently deprived Petitioner of his fundamental right of access to the courts, right to counsel, right to sue, right to defend and to petition, as guaranteed by the First, Fifth, Sixth and Fourteenth Amendments.

All complaints, cross-complaints, appeals, writs and petitions for review filed by Petitioner's lawyers, not by Petitioner, were uniformly, and completely denied without notice and hearing in vast majority cases, and without a meaningful notice and/or hearing in the remaining cases. Such pre-denial order extends to the complaint against the criminals who committed assault, battery and breach of peace three times against Petitioner and his family members. The pre-denial order also extends to the at least five cases where default judgments were entered against Petitioner and third parties without service of summons and

complaint, but the appeals, filed by Petitioner's lawyer with request for permission to file such appeals, from the default judgments were automatically dismissed. Consequently, there was absolutely no exception to the pre-denial order.

B. California Court's Pre-Denial Order, Either In Essence Or Content, Directly Conflicts With The Decisions Of The Federal Courts

The federal courts have rendered opinions about the requirements for limiting the restriction on such a right to access to the court. The federal courts' opinions can be summarized as follows:

a. 5th Cir. "Orders enjoining future lawsuits are generally unnecessary because the doctrine of res judicata or collateral estoppel usually suffice to protect defendants from

repetitious lawsuits. " [Emphasis added]. Harrelson v. the United States, 613 F.2d 114 (5th Cir. 1980).

b. 1st Cir. "We stress that where access to the courts is concerned, an injunction should be drawn as narrowly as possible." [Emphasis added] Sire v. Gabriel, 748 F.2d 49 (1st Cir. 1984).

c. 3rd Cir. "The court of appeals narrowly tailored the injunction to closely fit the specific vice encountered." [Emphasis added] Gabriel; Castro v. The United States of America 775 F.2d 399, (2nd Cir. 1985); Brow v. Farrelly 994 F.2d. 1027, (3rd Cir. 1993). "The broad scope of the District court's power is limited by two fundamental tenets of our legal system -- the litigant's right to due process and access to the courts." [Emphasis added] Brow v. Farrelly 994 F.2d. 1027, (3rd Cir. 1993). Imposing

an injunction "is an extreme remedy, and should be used in exigent circumstances." [Emphasis added] In re Oliver 682 F.2d 443, (3rd Cir. 1982). "Litigiousness alone will not support an injunction restricting litigant's filing activities." In re Oliver 682 F.2d 443, (3rd Cir. 1982).

d. 2nd & 10th Cir. "If an injunction against future litigation issued under 28 U.S.C.A. § 1651(a) were couched in overly broad terms, this impermissibly infringes upon a litigator's right of access to the courts." [Emphasis added] Castro v. United States of America 775 F.2d 399, (2nd Cir.1985); Tripati v. Beaman 878 F.2d 351, (10th Cir. 1989).

e. 4th & 11th Cir. "A court imposing such an injunction must be careful not to order conditions that effectively deny access to the courts. " [Emphasis added] Robinson v. Marion 879

F.2d 863, (4th Cir. 1989); Procup v. Strickland 792 F.2d 1069 (11th Cir. 1986).

f. D.C. Cir. "A court must take great care not to unduly impair a litigant's constitutional right of access to the courts." [Emphasis added] Urban v. United Nations 768 F.2d 1497, 1500 (D.C. Cir. 1985).

Applying the holdings of the federal courts, it would be found that what the California courts have done is the very thing specifically warned of and prohibited by the federal courts.

The California pre-denial order conflicts with the holdings of the federal courts and its own vexatious litigant ("VL") statute as follows:

a. it enjoins all future lawsuits, appeals and petitions for review in conflict with the requirements of the doctrines of res judicata, and collateral estoppel and the holding of Fifth Circuit,

and the clear and plain language of CCP Sec. 391.2 that "No determination made by the court in determining or ruling upon the motion shall be or be deemed to be a determination of any issue in the litigation or of the merits thereof";

b. it is not narrowly tailored in conflict with the holding of First , Second and Third Circuits;

c. it is overly broad in conflict with the holding of Second and Tenth Circuits;

d. it is beyond of the fundamental tenets of our legal system in conflict with the holding of Third Circuit;

e. it totally, permanent, completely, actually and effectively denies access to the courts in conflict with the holding of Eleventh Circuit;

f. it unduly impairs a litigant's constitutional right of access

to the courts in conflict with the holding of D.C. Circuit;

g. it requires no exigent circumstances as an extreme remedy in conflict with the holding of Third Circuit;

h. it was groundlessly issued because there was no facts to support such a declaration of Petitioner a VL, and such a pre-denial order against Petitioner and all of his current and future lawyers in conflict with the holding of Third Circuit.

C. No "Countervailing State Interest Of Overriding Significance" To Justify The California Court's Pre-Denial Order

In the landmark case of Boddie v. Connecticut, 401 U.S. 371, 91 S.Ct. 780, 28 L.Ed.2d 113 (1971), the "Countervailing State Interest Rule" was well established by the U.S. Supreme

Court. This rule requires that a state statute imposing a significant impediment to exercise of the right must be justified by "a countervailing state interest of overriding significance". Id., at 785. The burden of proof is on the state. Id. This case was cited again and again by numerous federal and state courts, including the California courts. In Aurelio Fregoso Jara v. Municipal Court (1977) 137 Cal.Rptr. 533, 68 Cal.App.3d 673, the California Supreme Court cited Boddie and confirmed the "countervailing state interest rule" in reversing the California Court of Appeal's judgment.

In this instant case and in all other of Petitioner's cases, the California courts have raised no state interest to justify their unconstitutional decision, not to say the countervailing state interest. The California courts, not only violated the precedents established

by the federal courts, violated its own precedent for failure to justify its severe order with a "countervailing state interest of overriding significance".

In addition, the California court has never set forth a clear and definite standard for the request for permission to obtain the prefiling order as set forth in the 10th and D.C. Circuits. See, In re Green 669 F.2d 779 (D.C. Cir. 1981), and Cotner v. Hopkins 795 F.2d 900, 902 (10th Cir.)

Even the "Countervailing state interest of overriding significance" could be shown by the State of California, Boddie authorizes only the imposition of a "significant" impediment, but not a "total, complete and permanent" denial of access to the courts. The California courts' pre-denial order is clearly in conflict with the decision of this Court

and all federal courts and is unconstitutional.

III. CALIFORNIA COURT'S PRE-DENIAL ORDER DIRECTLY CONFLICTS WITH THE DECISIONS OF OTHER STATES COURTS

The California court's pre-filing/ pre-denial order in essence and contents, directly conflicts with the decisions or holdings of other states courts. A thorough research and comparison concerning the in propria persona, declaration, vexatious litigant, vexatious litigant statute, prefiling order and injunction in all of the states of the United States, by Petitioner's lawyers' office reveals the following findings :

1. No state, other than California, has the "vexatious litigant statute";

2. No state, other than California Court of Appeal, 2d Dist., Div.

One has ever defined "in propria persona" as "in propria persona co-counsel" while Petitioner has never acted as co-counsel for his own cases, but as "one who is represented by lawyers;"[20]

3. No state, other than California, has ever declared a litigant, who is represented by lawyers, as a "vexatious litigant";

4. No state, other than California, has ever declared a litigant, who is represented by lawyers as a "vexatious litigant" by creating non-existent declaration;

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[20] Throughout all cases and legal authorities in the United States, "in propria persona" was defined by the Black's Law Dictionary, Sixth Ed. (1989-1991), at 1221 as "[a]ppearing for oneself, as in the case of one who does not retain a lawyer and appears for himself in court." (Emphasis added). See also Ballentine's Law Dictionary, Third Ed., at 633. Even the California courts have long recognized that "[a] party to an action may appear in his own person or by attorney, but can not do both" (Emphasis added) Crescent Canal Co. v. Montgomery 124 C. 134, 145,56 P.797, 802 (1899). See also Daley v. County of Butte (1964) 38 C.R. 693, Dunsmnie Masonic Temple v. The Superior Court of Siskiyou (1970) 90 C.R. 405

5. No states have injunctive orders of this type at all; [21]

6. No state, other than California, has ever issued a pre-filing order, which prohibits (1) a litigant, either in propria persona or represented by counsel from filing and/or maintaining any action, cross-complaint, appeals, writs, small claims, and petition for review; (2) a litigant and his counsel from filing any papers[22] with all state courts; and (3) a litigant and his counsel from filing or maintaining any complaint, cross-complaint, small claims, appeals,

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21 Through a thorough search, Petitioner's counsel's law offices have not found such cases at least in the following states: Alabama, Alaska, Arisona, Arkansas, Delaware, Idaho, Iowa, Illinois, Florida, Hawaii, Indiana, South Dakota, South Carolina, North Carolina, Pennsylvania, Kentaky, Massachusetts, Colorado, Michigan, New Mexico, Nevada and Rhode Island, etc.

22 Justices of California Court of Appeal, have denied the Petitioner's lawyers from filing pleadings concerning the issues and cases stated in this Petition. Justice Turner, Grignon, and Armstrong also refused to allow Petitioner's lawyer from filing the opening brief in the Christopher case where the opening brief was ordered by them to file.

writs and petition for review for a life-long-time without boundaries.[23]

7. The injunctive orders of other states and federal courts based on the inherent judicial power have been restricted as to the followings:

a. only in a specific court. (In re Oliver 682 F.2d 443);

b. only enjoins a litigant from filing further same action which has been finally determined. (In the Matter of Hartford Textile Corporation, 681 F.2d 895;

c. Only enjoins "litigation" matters. Eagle Thrifty Drugs

[23] California court's decision directly conflicts with the decisions of the federal courts. See, e.g., In re Powell, 851 F.2d 427 (D.C. Cir. 1988); In re Oliver, 682 F.2d 443 (3rd Cir. 1982); Brow v. Governor, 994 F.2d 1027 (3rd. Cir. 1993); In The Matter of Hartford Textile Corp.., 681 F.2d 895 (2nd Cir. 1982); California Motor Transport Co. (1972) 404 U.S. 508.

California court's decision further directly conflicts with the decisions of almost all of the other states courts in the United States. See, e.g., In re American Brands, Inc., 1988 WL 94739 (Del.Ch.0; Eismann, et al. v. Miller, 101 Idaho 692, 619 P.2d 1145; People v. Dunlap, 623 P.2d 408; Conover v. Mikosky, 415 Pa.Super.348, 609 A.2d 558.

& Markets, Inc. v. Teachers, 85 Nev. 162, 451 P.2d 713 (Supreme Court of Nevada, 1969)[24]

d. only enjoins a litigant in pro se from filing action. (Samuel Eismann v. Miller, 619 P.2d 1145, 101 Idaho 692).

e. only enjoins a litigant as a plaintiff from filing action. (People v. Dunlap, 623 P.2d 408 (Supreme Court of Colorado, 1981)).

In a vast majority of states, there is no injunctive order at all. Generally, the remedies to prevent the frivolous lawsuit are limited to the followings:

a. awarding attorney fees to the defendant. (Kenneth M. Brow v.

[24] In this case, the Nevada Supreme Court reversed the decision of its Court of Appeal, which prohibited pursuit of an application for rezoning where such application has been repeatedly denied on its merit and no change of circumstances has intervened. Id., at 713.

Moore, 487 So. 2d 882 (Supreme Court of Alabama, 1986);

b. imposing sanctions upon the alleged vexatious litigant (The Board of County v. Howard, 640 P.2d 1128 (Supreme Court of Colorado, 191982); Wickwire v. Air Services, 722 P.2d 930 (Supreme Court of Alaska, 1986).

c. dismissing the frivolous cases. (Conover v. Mikosky, 415 Pa.Super. 348, 609 A.2d 558 (Superior Court of Pennsylvania, 1992)).

Compared with the other states and the federal courts, the California pre-denial order has no boundary and scope. First of all, the California pre-denial order has no time limit, and applies to Petitioner for his whole life; second, it has no limit in its scope, and applies to Petitioner's lawyer and his co-plaintiffs and co-defendants; third, it applies to all papers, including

complaint, cross-complaints, appeals, writs, small claims, and petitions for reviews, as well as those pleadings, such as opening briefs and letter briefs which were ordered to file by the California courts; fourth, it applies to all actions, current, pending and future, including the lawsuit and appeals (1) which were filed prior to the effective date of the VL statute[25] and prior to the issuance of the pre-denial order (California court applied pre-denial order retroactively) and (2) which are totally separate with and different from any previous action as those cases have totally new and meritorious causes of action; fifth, it applies to all actions regardless whether

25 CCP § 391 (b) (4) was enacted in or about September, 1990 and was effective approximately 90 days thereafter. The pre-denial order was issued on August 12, 1993. Appendix B. However, the California courts have applied such pre-denial order to those cases filed in or about 1989, and automatically dismissed all of these cases. In fact, all complaints, cross-complaints and appeals were filed by Petitioner's lawyers before August 12, 1993, but all of them were automatically dismissed through retroactive application of pre-filing order.

the parties are the same or not; and sixth, it applies to a litigant and his counsel from filing paper with the courts either as a plaintiff or as a defendant.

IV. CALIFORNIA COURT VIOLATED PETITIONER'S AND ALL OF HIS COUNSEL'S CONSTITUTIONALLY AND FEDERALLY PROTECTED RIGHTS BY DECLARING ALL OF PETITIONER'S CURRENT AND FUTURE COUNSELS AS "PUPPETS" OF PETITIONER, WITHOUT FACTUAL BASIS, NOTICE AND HEARING

A. The California Court of Appeal, As A Reviewing Court, Has No Original Jurisdiction To Declare Petitioner, A Defendant Represented By Several Lawyers, A Vexatious Litigant

It is a well settled law that the Court of Appeal mainly has appellate jurisdiction, and only under some very

special circumstances has it very limited original jurisdiction.[26]

In this instant case, the California Court should not replace and act as the trial court, exceeding its jurisdiction and invading the trial court's jurisdiction by issuing the OSC to declare a defendant a VL.

B. The California Court Seriously Violated The "Separation of Powers" By Rewriting CCP §391.7

The California court violated the plain language of CCP Sec. 391.7 that a prefiling order only applies to a

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26 California Constitution, article VI, 11, as amended in 1966, gives the Court of Appeal "appellate jurisdiction when superior courts have original jurisdiction and in other causes prescribed by statute." Id.

As an appellate court, the function of the Court of Appeal is to review and correct the existent orders, decisions, and judgments of trial court; its function lies in guaranteeing the trial court correctly, faithfully and diligently execute the law. See, Agriculture Labor Relations Board v. Tex-Cal. Land Management of Tulare County (1987) 43 Cal.3d 696, 739 P.2d 140; CA. Const., art. VI, ss 10, 11; Sunray v. Commission (1957) 353 U.S. 944, 77 S.Ct. 792.

litigant in pro per. In the published decision, the court admitted that it had broken the statutory "mold". The "mold" the California court had broken is the Constitution of the United States. [27]

C. The Pre-Denial Order Constitutes A Taking of Life, Liberty And Property Without Due Process of Law

After the prefiling order was imposed upon Petitioner, and his family suffered the following irreparable consequences: (1) they are the victims of beating, breach of the peace and lawsuits filed by anyone in the world; (2) they

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[27] "The leading Framers of our Constitution viewed the principle of separation of powers as the central guarantee of a just government *** When we find the terms of a statute unambiguous, judicial inquiry should be complete except in rare and exceptional circumstances." Thomas v. Commissioner (1991) 111 S.Ct. 2631, 115 L.Ed.2d 764; See also, United States v. Madison (1985), 105 S.Ct. 1785, 471 U.S. 84. In United States v. James, the court pointed out: "Statutes should be construed to avoid constitutional questions, but this interpretative canon is not to create a license for the judiciary to rewrite language enacted by the legislature." [Emphasis added] (1985) 105 S.Ct. 2897, 472 U.S. 675.

were subject to two assaults and breaches of the peace committed by California lawyers, Peter Mason, David Eisen and D. Jay Ritt, along with two non-lawyers, in May and June, 1993. (3) they were deprived of their life, liberty and property without due process of law because they cannot defend and seek justice; (4) all of the petitioner's requests for prefiling permission were automatically denied without exception; (5) Petitioner's cases were automatically dismissed without notice or hearing (for the California court, a pre-filing order is the sole citation to dismiss all cases, appeals and any prefiling requests filed by Shieh's lawyers); and (6) if sued by other people, they will automatically lose their case, and default judgment will be automatically entered against them, because they cannot file appeals if the trial court's judgment is unfavorable to them.

Obviously, the California court's pre-denial order constitutes a taking of life, liberty and property without due process of law.

V. CALIFORNIA COURT'S PRE-DENIAL ORDER SERIOUSLY DEPRIVES PETITIONER AND HIS COUNSEL OF THEIR FUNDAMENTAL RIGHTS IN DIRECTLY CONFLICT WITH THE FIRST, FIFTH, SIXTH AND FOURTEENTH AMENDMENTS AND OTHER FEDERAL LAWS

A. The California Pre-Denial Order Is In Violation Of Petitioner's Right To Free Expression As Guaranteed By The First Amendment To The U.S. Constitution

"The Court concedes that the petitioner's 'right of access to the agencies and courts to be heard . . . is part of the right of petition protected by the First Amendment." California Motor Transport Co. v. Trucking Unlimited 92

S.Ct. 609, 404 U.S. 508, at 517. "The right of petition is one of the freedom protected by the Bill of Rights, and we cannot, of course, lightly impute to Congress an intent to invade these freedoms." Id., at 510.

As protected by the First Amendment and the Bill of Right, any person has right to petition to the court, has right to express his complaint before a court, and has the right to present his gravaman to the court seeking justice. This right has been reserved for the people in this country. No court or judge can deprive a person of such a right.

Furthermore, Petitioner, as a defendant in this case, has right to freely communicate, discuss and consult with its counsel, and is protected under the attorney-client privilege. On the other hand, Petitioner's attorney also has the right to communicate, discuss, and

consult with Petitioner. All of these are guaranteed by the First Amendment of the U.S. Constitution and the attorney-client privilege.

However, the California courts arbitrarily declared Petitioner's attorneys his puppets without notice and hearing only because the California courts thought that Petitioner's lawyers held that Petitioner was discriminated and retaliated against by some California judges and justices. The Law Office James L. Andion has represented Petitioner for over one year. When attorney Andion's positions are different from Petitioner, he does what he believe is right. He always acts independently. Appendix H.

The California court created a new term of "puppet" in order to circumvent the vexatious litigant statute, to totally, permanently and completely

close the doors of the California courts to Petitioner and his lawyers.

B. The California Pre-Denial Order Deprives Petitioner And His Lawyers Of Right To Due Process Of Law

1. 3rd Cir. "Although the District Court of the Virgin Islands has authority under the All Writs Act to issue injunctions to preclude abusive, groundless, and vexatious litigation, broad scope of such power is limited (Emphasis added) by litigant's rights to due process and access to the courts." 28 U.S.C.A. Sec. 1651 (a); Revised Organic Act of the Virgin Islands, 22(a), 48 U.S.C.A. Sec. 1612 (a); U.S.C.A. Const.Amend.14; Ronald Brow v. Governor, 994 F.2d 1027 (3rd Cir. 1993). In Brow v. Farrelly, 994 F.2d 1027, the Third Circuit reversed the District Court's decision with the holding that "district court abused its discretion in restricting

litigant's access to court in future." Id. (Emphasis added)

2. Idaho. "Every individual in society has right to access to courts." Eismann v. Miller, 101 Idaho 692, 619 P.2d 1145 (1980).

3. Colorado. "No injunction should be granted when alternative legal remedies exist to penalize a litigant who abuses his right to represent himself in court. Indeed, if the respondents' abuse of the courts had been limited to matters of private and individual concern, then private and individual remedies would seem adequate to protect opposing litigants and compensate them for their losses." The People v. Dunlap 623 P.2d 408, at 410 (State of Colorado, 1981).

Some courts further set forth standards to determine what is a frivolous litigation and what is the condition an injunction order must follow. "Where

injunctive relief has been granted by other courts, a combination of the following fact pattens were established: (1) repetitive and frivolous litigation of claims that had already been decided; (2) the filing of an extremely large number of petitions, motions, appeals and other pleadings, (e.g., more than 250 actions, appeals and the like filed in Martin-Trigona); (3) a history of asserting frivolous claims against judges, attorneys and other officials involved in the administration of justice." In re American Brands, Inc. 1988 WL 94739 (Del.Ch.).

None of Petitioner's cases have ever been determined on the merit. There were, essentially, only three actions filed by Shieh's lawyers. As the federal court declined to exercise jurisdiction over state claims, Shieh's lawyers filed three complaints in the state courts for the state claims, namely, Ebershoff State,

Christopher State and Castellano State. The California courts decline to exercise jurisdiction over the same state claims and frivolously label such "state claims" as a "repetition" of the same state claims in the federal courts, and declared Petitioner a VL even if he has been always represented by lawyers. Petitioner's Dec. Appendix E and F.

As a matter of fact, Petitioner's lawyers have won two appeals in the California courts. Petitioner's lawyers have also successfully settled two cases with substantial amount of money.

The court in In re Thomas Powell, 851 F.2d 427, further illustrated that "the district court should look to both the number and content of the filings as indicia of frivolousness and harassment." Id., at 431. The court should find the case to be "irrational", "incoherent", or to evidence a "complete

lack of any substantive allegations." Id., at 432; Urban, 768 F.2d at 1499. In the Powell case, the D.C. Circuit accordingly reversed the injunction issued by the district court.

The courts have long established that an injunctive order should be strictly conditioned not to impair the litigant's fundamental right. "Scope of prohibitive injunctive order against pro se litigant must be narrowly tailored to fit particular circumstances of case before district court." (Emphasis added) 28 U.S.C.A. Sec. 651 (a); Brow v. Farrelly, 994 F.2d 1027. "It is important, however, that in fashioning an appropriate remedy, the court take great care not to unduly impair a litigant's constitutional right of access to the courts." In re Thomas Powell, 851 F.2d 427, at 428.

However, the California prefiling order absolutely conflicts with

the federal constitutional requirements and the established precedents.

VI. 28 USCA SEC. 1367 IN CONJUNCTION WITH CALIFORNIA VEXATIOUS LITIGANT STATUTE UNCONSTITUTIONALLY DENIED PETITIONER AND HIS LAWYERS' RIGHT TO ACCESS BOTH FEDERAL AND STATE COURT

Shieh's lawyers filed three complaints in the federal courts, namely Ebershoff Federal, Christopher Federal and Castellano Federal. The federal court declined to exercise supplemental jurisdiction over state claims. Shieh's lawyers were forced to file the same claims in the California courts "within 30 days after it is dismissed" pursuant to 28 USCA Sec. 1367 (d). The California courts refused to exercise jurisdiction over the same state claims and declared Shieh a VL alleging that the same state claims is the

"repetition" of the same state claims filed in the federal court.

The two declarations of Shieh a VL were made by Judge Kakita, as he promised with two Caucasian law firms that he would get rid of all Shieh's cases. Appendix Z. Judge Kreiger simply followed Judge Kakita's erroneous declaration and declared Petitioner a VL. These three declaration and pre-denial orders were appealed. When the appeals were pending in the 2d Dist., Justice Spencer refused to allow other justices to review such declarations but initiated her own declaration in order to dismiss all of Petitioner's appeals.

28 USCA §1367 is unconstitutional when it applies to Petitioner with the California VL Statute.

VII. THE CALIFORNIA VEXATIOUS LITIGANT STATUTE IS UNCONSTITUTIONALLY VAGUE,

AMBIGUOUS, AND OVERBROAD BECAUSE THE STATUTE FAILS TO MEET THE CONSTITUTIONAL REQUIREMENT OF "CERTAINTY" AND "CLARITY" AND IS IN CONFLICT WITH THE DECISIONS OF OTHER STATES AND ALL OF THE U.S. COURT OF APPEALS

A. In CCP Sec. 391 (a), The Term "Civil Action Or Proceeding", As Applied To Petitioner By The California Courts, Include "Everything", Such As Other People's Litigation, Other Judges' Comments On Other Persons, Tax Matters, And Complaint Filed With State Bar, Is unconstitutionally Vague, Ambiguous and OVERBROAD

In the present case, the California courts included "everything" to be "civil action or proceeding" in order to have Petitioner meet the statutory requirements. This blank "impermissibly delegates basic policy matters to judges for resolution on an ad hoc and subjective

basis with attendant dangers of arbitrary and discriminatory application. "[28]

The supreme court of Nevada held differently: "the administrative steps pursued by Eagle Thrifty are not litigation . . . The fault, if any, lies in the ordinance itself."[29] In that case, "an application for rezoning . . . has repeatedly been denied [for six times] on its merits and no change of circumstances has intervened." (Emphasis added). The Supreme Court of Nevada refused to consider the applicant "vexatious" and refused to issue the preliminary injunction.

In this matter, the California courts used Petitioner's complaints to state bar, the tax matter, and other people's litigation to declare Petitioner a VL. Complaint to the state bar is

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[28] See, Wright v. New Jersey (1985) 496 U.S. 1146, 105 S.Ct. 890.

[29] Eagle Thrifty v. Hunter Lake 85 Nev. 162, 451 P.2d 713, 714-715 (Supreme Court of Nevada, (1969).

absolute privilege, as admitted by Judge Kreiger, and is not a civil action or litigation. Appendix R.

The decision of the California Supreme Court clearly conflicted with the decision of the Supreme Court of Nevada, and of other state and federal courts.

B. The California Court Defined "In Pro Per" Under CCP Sec. 391 (b), (d) And (e) To Include Any Person -- Natural And Non-Natural -- Who Is Represented By Lawyers In Conflict With The Constitutional Requirement And Decisions of Other States And Federal Courts

The statutory ambiguity provides the hostile judges/justices with an excuse to groundlessly include a litigant who is represented by lawyers as "in pro per". No court in other states and federal courts has ever made such decisions[30].

30 Petitioner's lawyers' offices have done a thorough research on all cases in all states and federal courts on the issues. All statements in this Petition is the result of such several-months-lasted research.

C. California Court Defined "Declaration" Under CCP Sec. 391 (b) (4) To Include Everything So As To Declare Anyone A Vexatious Litigant

The vexatious litigant statute does not define or explain what is a "declaration" and if a "declaration" must be a "final" on the "merit" under CCP Sec. 391 (b) (4)[31]. Is a judge's comment toward a third party a "declaration"? The vagueness and over breadth of this section are demonstrated as follows: (1) any person of ordinary intelligence cannot foresee the result of his conduct, and cannot steer between lawful and unlawful conduct; (2) the law impermissibly delegates basic policy matters to judges for resolution on an ad hoc and subjective basis with attendant dangers of arbitrary

31 CCP Sec. 391 (b) (1) and (2) clearly require "finality" and determination on the "merits" for the purpose of declaring a person a VL.

and discriminatory application.[32]

A judge may take a previous "comment' as a declaration of vexatious litigant and then solely rely on it to declare a litigant a vexatious litigant, such as Justices of California Court of Appeal, but another judge may not take such a comment as declaration and does not think a litigant can be declared a VL in reliance upon such a comment, such as Judge Kreiger[33]. Appendix B, R.

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[32] See, Wright v. New Jersey (1985) 496 U.S. 1146, 105 S.Ct. 890; see also, United States v. L. Cohen, 255 U.S. 81, 89, 41 S.Ct. 298, 300 (1921).

[33] Judge Krieger stated: "I also think that to the extent that other judges may have made comments about Mr. Shieh, those are in some ways irrelevant because they were not findings that he is a vexatious litigant pursuant to the statute...The others -- I mean I've expressed my view, but I'm -- as to some litigants, but I do not think that means they are vexatious litigants just because I say they are, unless there is an appropriate motion." Appendix R.

In this instant case, California Court held that Petitioner had been declared a VL by federal court Judge Pfaelzer. But, the truth is that Judge Pfaelzer had once made a comment to Shieh's counsel Lance Haddix that it is "ridiculous" to hold general partners of a general partnership liable in accordance with § 15015 of the California Uniform Partnership Act. Judge Kakita took such mistaken comment as declaration of Shieh a VL and the entire California Court of Appeal and Supreme Court used it to dismiss all of Shieh's cases, appeals and petitions

D. California Court Defined A "Vexatious Litigant" Under CCP Sec. 391 (b) To Include Anyone, Including A Defendant, A Defendant's Lawyer, And A Corporation In Conflict With The Decisions of All Other States And Federal Courts

In In re Oliver, 682 F.2d 443 (1982), the Third Circuit cited First Circuit's holding in Pavilonis v. King, 626 F.2d 1075 (1980) that "Generally this kind of order should not be considered absent a request by the harassed defendants". [Emphasis added] Id. at 1079.[34]

for review without notice and hearing. One of the example is January 27, 1994's dismissal. Appendix T.

34 This is to say, the vexatious litigant statute or an injunctive order is designed to apply to a "plaintiff" in order to protect the defendant from being harassed by the frivolous lawsuit. This is the legislative intent. But, in this instant case, Petitioner was one of the defendants, and the plaintiff was Fulbright & Jaworski, a large and influential law firm. The harassed is Shieh, not the plaintiff. However, the California declared defendant Shieh a vexatious litigant directly contrary to the federal court's holding and the legislative intent.

E. CCP Sec. 391.1 Applied To Petitioner Only Means A Dismissal of The Entire Action With Prejudice

CCP Sec. 391.1 does not provide a standard to determine what is a reasonable amount for the security. As to Shieh's cases, the California court ordered Shieh to post over $44 million bond in the Christopher State, and over $500,000.00 in the Castellano State for in pro per defendants. Appendix U, V. The more than $44 million bond must be the highest in California and the United States legal history.[35]

F. CCP Sec. 391.2 As Applied To Petitioner Is An Unconstitutional Dismissal With Prejudice [36]

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[35] An in pro per party is not entitled to attorney fees because they do not actually incur such fees. See, Kay v. Ehrler, _____U.S._____, 111 S.Ct. 1435, 113 L.Ed.2d 486. CCP Sec. 1033.5 (a) (10) also affirms this position. Appendix Y. The vexatious litigant statute originally comes from the corporation derivative suit, where the maximum amount of security is only $50,000.00. California Corporation Code Sec. 800 (d). Appendix X.

[36] CCP Sec. 391.2 provides: "No determination made by the court in determing or ruling upon the motion shall be or

G. California Court Defined "A Pre-Filing Order" As A "permanent Pre-Denial Order", "New Litigation" As "New And Pending Complaint, Cross-Complaint, Appeal, Writ And Petition For Review", And "In Propria Persona" As "In Propria Persona Or Through His Counsel", Under CCP Sec. 391.7 (a), Which Conflicts With The Decisions of All Other States And Federal Courts.[37]

The decision of California Court of Appeal clearly conflicted with the

be deemed to be a determination of any issue in the litigation or of the merits hereof." (Emphasis added). However, the California courts discriminatorily dismissed Petitioner's cases with prejudice when the $44 million security was not posted within 10 days.

No states, nor federal, courts have such provision.

[37] CCP Sec. 391.7 (a) does not define and explain "new litigation". The California court, taking of advantage of the statutory ambiguity, included all lawsuits, cross-complaint, writs, appeals, petitions for review, and small claims to be the "new litigation". As defined in the California case, the "new litigation" only means "new lawsuit" in the "trial court". See, Camerado v. Superior Court, 12 Cal.App.4th 838, 16 Cal.Rptr.2d 42 (1993).

Furthermore, the California court extended 391.7 (a) to Petitioner's "attorney" in clear violation of the statutory language.

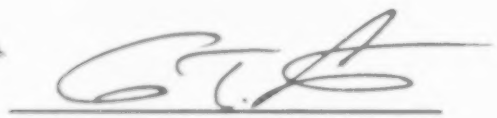
decision of all other state and federal courts.

CONCLUSION

In light of the foregoing, the Petition For Certiorari should be granted.

Dated: January 29, 1994

Respectfully submitted,



Robert T. Crofoot

Attorney for petitioner

APPENDIX A

Second Appellate District, Division One,
No.
B076978 S035088

IN THE SUPREME COURT OF THE STATE OF CALIFORNIA

IN BANK

In Re LIANG-HOUH SHIEH

SUPREME COURT
NOV 4 1993

H. CRUZ CLERK
DEPUTY

Petition for review DENIED.

Panelli, J. is of the opinion the petition should be granted.

Lucas

Chief Justice

APPENDIX B

CERTIFIED FOR PUBLICATION

IN THE COURT OF APPEAL OF

THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION ONE

In re Finding of	)	B 076978
	)	
LIANG-HOUH SHIEH,	)	(Filed
	)	Aug.12, 1993)
As a vexatious Litigant.	)	JOSEPHE A.LANE
	)	Clerk

ORDER declaring Liang-Houh Shieh, a vexatious litigant, and requiring leave of Court before filing any new matter.

James L. Andion for Liang-Houh Shieh.

INTRODUCTION

On July 7, 1993, this Court issued a written order to Liang-Houh Shieh (Shieh) to show cause before this court on July 28 why we should not declare him to be a vexatious litigant as defined by Code of Civil Procedure section 391, subdivision (b)(4), and issue a prefiling order pursuant to Code of Civil Procedure section 391.7, subdivision (a), prohibiting him from filing any new litigation in the courts of this state in propria persona without first obtaining leave of the presiding judge of the court where the litigation is proposed to be filed. (In re Whitaker (1992) 6 Cal.App.4th 54, 55, review den. Jul. 22, 1992; In re Luckett (1991) 232 CAl.App.3d 107,108, review den. Sep. 25, 1991.) At the request of

Shieh's counsel, the matter was advanced to July 27.

BACKGROUND

Over the past two years, Shieh has filed innumerable complaints in the federal and state courts, many of which are duplicative and most of which are based on substantially similar facts. These various suits have resulted in at least 19 writ petitions to this court and 1 to the Fourth District, some of which are duplicative and all of which have been denied. He and his counsel have been sanctioned separately three times for pursuing frivolous writ petitions.

In addition to the two duplicative appeals which promoted this proceeding (Fulbright & Jaworski v. Shieh (B068256, June 19, 1992; B075640, Apr. 26, 1993), which we recently dismissed largely for

lack of jurisdiction and partly due to Shieh's failure to pay the sanctions imposed by the trial court or to post a bond to stay the order, Shieh has filed at least 14 appeals in 9 separate matters. In Shieh v. Christopher (BO 75017, May 1, 1993), the appeal was dismissed on June 17, 1993 for lack of jurisdiction. In Hsieh v. Thompson (B064714, Feb. 1, 1993), review denied on May 19, 1993, and Shieh v. Newman (BO59327, Sept. 16, 1992), review denied December 30, 1992, the orders of dismissal were affirmed. In Say & Say v. Castellano (BO75267, Apr. 28, 1993), the appeal was dismissed for lack of jurisdiction on June 24, 1993. In Shieh v. Christopher (BO76400, May 28 and June 3, 1993), a motion to dismiss for lack of jurisdiction was filed on June 25 and Shieh was given until August 3, 1993 to respond. Of the remaining appeals, two

are scheduled for oral argument on July 29, 1993, three are not yet or just have been fully briefed and four are not yet docketed. In short, Shieh has yet to prevail in this court or in the lower courts.

In the matter which prompted this proceeding, Fulbright & Jaworski's complaint alleges in pertinent part that shortly after Shieh joined the firm as a partner, the firm became aware that Shieh had filed and still had pending "a facially offensive and inappropriate complaint in Los Angeles County Superior Court against a long-standing and well-regarded law firm, Graham & James. Shieh had concealed this fact from Fulbright by, among other things, suing Graham & James under a pseudonym. This fact, together with other inappropriate conduct of Shieh [delineated elsewhere in the complaint], caused Fulbright to

reconsider Shieh's partnership in the firm."

Accordingly, on March 1, 1991, Fulbright & Jaworski partners Harry Hathaway (Hathaway) and David Ebershoff (Ebershoff) discussed with Shieh conditions which the firm desired to attach to his partnership. Hathaway and Ebershoff asked Shieh to agree to these conditions and sign a memorandum of understanding to that effect. Although Shieh had agreed to the conditions, and further agreed that the terms of the memorandum accurately reflected the parties' agreement, he refused to sign the memorandum of understanding. Instead, he asked that his agreement be set forth in a confirming letter. A confirming letter dated March 19, 1991 from Hathaway to Shieh set forth the parties' agreement to be bound by the terms of the memorandum of

understanding. Despite his agreement to do so, Shieh never dismissed the lawsuit against Graham & James. He also continued much of his other inappropriate conduct.

"On March 29, 1991, Shieh met with Hathaway and Ebershoff to discuss his future at Fulbright. At that meeting, Hathaway and Ebershoff told Shieh that, because of the conduct described above, the firm had decided to terminate his partnership. Shieh denied he was bound by the terms of the Memorandum of Understanding and he demanded a full partnership vote on the issue of his termination. A partnership vote was later taken and Shieh was expelled from [the firm], effective March 31, 1991."

After Shieh's partnership was terminated, he attempted on several occasions to have firm employees with whom he had worked closely remove firm

files and bring them to his home. He contacted all or most of the clients with whom he had been in communication during his brief partnership with the firm and "instructed them to sign a letter purporting, among other things, to give Shieh's attorney the right to all their files and their trust account funds and he instructed them not to communicate at any time with anyone acting on behalf of Fulbright." Additionally, Shieh instructed these clients to not pay invoices Fulbright & Jaworski sent to them without Shieh's prior consent. In some cases, he "purported to 'release' them from any obligation to Fulbright.... Shieh told some of these clients that Fulbright was unethical and unprofessional and had misrepresented to Shieh the firm's financial condition and the terms of its partnership opportunities."

A controversy arose over which client files should be transmitted to Shieh. On approximately May 17, 1991, Shieh's then-attorney, Francisca Araiza, delivered to Fulbright & Jaworski "approximately 20 copies of purported file transfer letters. These form letters were not directed from the clients to Fulbright, but purported instead to be from clients to Shieh's attorney, Araiza, among others. The form letters were not on the letterhead of clients. Replete with other defects, and absent independent confirmation of client desires, the letters were an insufficient basis on which to transfer files."

Both Shieh and his attorney "refused to accept Fulbright's assistance in preparing an appropriate file transfer letter, and claimed to 'prohibit' Fulbright from contacting any of the

clients. As a result, Fulbright sent letters to each of the clients on whose behalf the form transfer letters were received attempting to confirm they wanted their files transferred. Almost without exception, clients did not respond these efforts to confirm their wishes. Unbeknownst to anyone at Fulbright, . . . Shieh had contacted [these clients] and instructed them not to communicate with Fulbright at any time or respond to Fulbright letters."

Having instructed clients not to respond, Shieh "used Fulbright's inability to obtain direct client authorization for the transfer of their files to institute a campaign of harassing and baseless litigation in cases against Fulbright, some of its partners and Fulbright's lawyers. Shieh filed one action, entitled Shieh v. Ebershoff, et al, Case No. BC270441, in

Los Angeles County Superior Court," in which he unsuccessfully sought an injunction prohibiting Fulbright & Jaworski from communicating with clients. "This case was brought by Shieh maliciously and without probable cause and for the purpose of harassing Fulbright. After a series of demurrers to the various versions of his complaints were sustained, Shieh dismissed the case while another demurrer was pending."

Among other cases Shieh filed in the Superior Court of Los Angeles is PSJ, et al. v. Hathaway, et al., No. BC033849, in which Shieh and another "counseled the commencement of litigation by other clients, . . . PSJ Corporation and Perry Chien, regarding the delivery of its files to Shieh. PSJ was represented in this litigation by Shieh and Hollingsworth." They did so

notwithstanding all parties' knowledge that Fulbright & Jaworski had expressed a desire to deliver the files, requiring only a letter from PSJ and Chien asking that their files be transferred, and, therefore, Fulbright & Jaworski was not withholding the files wrongfully. Shieh "directed the filing and prosecution of this litigation in bad faith and without probable cause, and even though Shieh had instructed PSJ and Chien to ignore Fulbright's inquires about the clients' desires." The action "was filed, served and prosecuted [solely] for the purpose of harassing Fulbright and obtaining improper leverage in the Shieh Action." On the eve of the depositions of PSJ and Chien, at which they "would be asked to explain their refusal to provide Fulbright with clear instructions," PSJ and Chien dismissed the action.

"In an effort to interfere with Fulbright's relationship with and harass clients," Shieh served subpoenas on clients "with whom Shieh had had no previous contact at any time, . . . seeking ten years worth of billing and financial records . . . In an effort to embarrass Fulbright, Shieh repeatedly filed . . . confidential financial documents irrelevant to the litigation which he knew Fulbright desired to keep private."

After dismissing the first Ebershoff action, Shieh filed Shieh v. Ebershoff[1] (Super. Ct. Los Angeles County, 1992, No. BC061170), acting in propria persona as co-counsel, a 180-page complaint purporting to state causes of action for

[1] Shieh had filed a federal action entitled Shieh v. Ebershoff (U.S.Dist.Ct., Cent. Dist. California, 1991, No. CV91-5446WJR). Apparently, the action was dismissed some time prior to January 12, 1993, the date on which the court ordered the inclusion of attorneys' fees of $125,421.49 in favor of the Graham & James defendants and $37,236.67 in favor of the Fulbright & Jaworski defendants included in the costs.

RICO violations, breach of contract, breach of the covenant of good faith and fair dealing, seeking an accounting, defamation, fraud, seeking injunctive relief, discrimination in violation of 42 United States Code section 1981, conspiracy to discriminate, discrimination in violation of Civil Code section 52.1, intentional interference with economic relations, conversion, intentional infliction of emotional distress, declaratory relief, quantum meruit, nonpayment of wages, seeking penalties pursuant to Labor Code section 203, wrongful termination in violation of public policy, including a breach of professional duty, unfair competition and violation of the Uniform Trade Secret Act. Shieh alleged he then was a partner in Fulbright & Jaworski who specialized in Chinese law and related intentional law. He alleged the

defendants (several law firms and all the partners therein, as well as some individual practitioners) had engaged in a conspiracy to take Shieh's clients away from him and drive him out of business. The smaller conspiracies encompassed within these grander conspiracies included one in which Fulbright & Jaworski and its partners were the primary actors.

From April 1989 to January 6, 1991, Shieh had been a partner in Lewis, D'Amato, Brisbois & Bisgaard. From September through December 1990, Shieh had several meetings with a number of the partners of Fulbright & Jaworski to discuss the possibility of Shieh becoming a partner in that firm. Shieh described problems he had encountered with other attorneys interfering with his client relationship while he was employed by Graham & James. These

attorneys had attempted to take his clients as their own. Additionally, Shieh pointed out that his Chinese clients had ways of thinking and methods of doing business which differed from those of American clients. He requested that he be informed and give his consent before anyone at Fulbright & Jaworski contacted his clients. Hathaway agreed; he assured Shieh that no one at Fulbright & Jaworski was interested in taking away Shieh's clients. Hathaway and Ebershoff promised "they would assign litigation and transactional attorneys to work under Shieh's direction as a separate Chinese practice group."

On approximately December 20, 1990, Hathaway and Shieh agreed Shieh would receive at least $200,000 in annual compensation under the guaranteed partner payment program of Fulbright &

Jaworski. Shieh was to be assigned 365 partnership units, which Hathaway represented were the equivalent of approximately $200,000 per year; this was confirmed in writing. Accordingly, Shieh accepted the offer to become a partner in Fulbright & Jaworski. In part, the contract under which Shieh became a partner required that no member or agent of the firm interfere with Shieh's relationship with his clients a even if he ceased to be a partner. It further required that the firm release to Shieh all documents, discs, tapes and files pertaining to Shieh's clients. Additionally, Fulbright & Jaworski was obligated to act in good faith in using discretion to determine what would justify expelling a partner.

Shieh performed all acts required of him in the performance of his contract of partnership, beginning work under the

contract on January 7, 1991. However, on January 8, 1991, Hathaway and Ebershoff showed Shieh a copy of a suit which Shieh had filed against Grahr & James but had not yet served. They threatened Shieh that he could not continue as a Fullbright & Jaworski partner unless he immediately dismissed the action with prejudice. The complaint against Graham & James alleged discrimination and retaliation against Shieh because of his race, national origin, religious beliefs, ancestry and age. Hathaway told Shieh the suit must be dropped because Hathaway was seeking office in certain bar associations and Fulbright & Jaworski's Los Angeles office might merge with another law firm in the future. Consequently, Hathaway did not wish to anger influential law firms. It is Shieh's belief that the firm did not require any other partner to dismiss a

personal lawsuit in order to avoid termination as a partner.

On approximately January 9, 1991, Hathaway and Ebershoff imposed as a condition of the continuation of Shieh's partnership in the firm the immediate dismissal with prejudice of the Graham & James suit. Additionally, once the suit was dismissed, Shieh's partnership status would be reviewed after an unspecified period; if Shieh did not meet unspecified requirements, he would be expelled from the partnership. On January 11, 1991, Hathaway and Ebershoff informed Shieh his partnership position would be reviewed on July 31, 1991. It was certain Shieh would continue as a partner, but only if he immediately dismissed the Graham & James suit. The imposition of such a condition was outside the scope of the contract of partnership. Although Hathaway and

Ebershoff confirmed that Shieh could take his clients with him if he left, they and Miller stated they would not permit certain of his clients to follow him from Lewis, D'Amato, Brisbois & Bisgaard to Fulbright & Jaworski unless those clients first paid many thousand of dollars in disputed billings. "This angered these clients and disrupted Shieh's relationship with them."

On approximately February 11, 1991, Ebershoff presented Shieh with the memorandum of understanding, stating Shieh must sign it if he was to remain a partner. Shieh had never before heard of or seen the memorandum, which was dated January 7. The memorandum did not reflect any agreement between Shieh and Fulbright & Jaworski; he did not sign it. It is his belief that the firm has never required any other partner to sign a similar agreement. As of approximately

February 7, 1991, the firm began paying Shieh only 60 percent of his agreed-upon compensation. It is his belief no other partner was removed from the guaranteed partner compensation program without the partner's prior consent.

On March 29, 1991, Hathaway delivered to Shieh a letter purporting to terminate Shieh's status as a partner, effective March 31. He did so without first obtaining a full partnership vote as required by Shieh's contract of partnership. It is Shieh's belief that the firm has never attempted to terminate any other partner's interest in this fashion, and the action was undertaken due to Shieh's refusal to dismiss the Graham & James action or to sign the memorandum of understanding and Hathaway's reluctance to have the firm involved in Shieh's Chinese law practice. At the same time, Shieh

delivered a memorandum to Hathaway and Ebershoff in which he stated he had not agreed to the provisions of the memorandum of understanding.

In May 1991, Shieh obtained authorization from most of his clients by which he could require Fulbright & Jaworski to surrender these clients' files. An agent of Shieh presented these authorizations to an agent of Fulbright & Jaworski on May 15 and requested the files. After some discussion, Shieh's agent was told to return later that day to pick up the files. When the agent returned, she was told the firm refused to release the files. She was again refused the files on the following day. With the exception of few files, the firm has not yet honored the client authorizations.

Since March 29, 1991, Shieh has not authorized any member or agent of the

firm to communicate with any of his clients. Instead, he specifically prohibited such communication. Nonetheless, the firm has contacted Shieh's clients repeatedly. In May, June, August and September of 1991, Fulbright & Jaworski sent letters to many of Shieh's client concerning the transfer of their files to Shieh. A letter of August 12 is misleading; it states Francisca Araiza has refused to accept the client files, but does not mention that she did so because she no longer was acting as Shieh's attorney. The letters fail to inform the clients that the firm had refused to release the files to another agent of Shieh. Additionally, the firm sent disputed bills to some of Shieh's clients, misrepresenting that the bills were sent by Shieh as the "requesting attorney."

On February 18, 1993, the superior court declared Shieh to be a vexatious litigant pursuant to Code of Civil Procedure section 391, subdivisions (b)(2), (3) and (4), and ordered that security be posted in the sum of $150,000. The court stayed the action, "except for reconsideration of this order," until 10 days after the security was posted.[2]

It is clear this massive complaint in Shieh v. Ebershoff is simply Shieh's version of the same events recounted in Fulbright & Jaworski's complaint in the

[2] Notice of appeal were filed in the Ebershoff case on April 2, 1993 (BO74985) and June 3, June 30, July 1 and July 2, 1993 (BO76762). The appeal in BO74985 has no effect on the vexatious litigant order, for Shieh appeals only from the court's order sustaining the demurrer of Lewis, D'Amato, Brisbois & Bisgaard without leave to amend and imposing sanctions on January 29, 1993 and the March 26, 1993 denial of his motion for reconsideration of the sanctions order. In BO76762, Shieh purported to appeal from "any and all rulings, decisions, judgments [sic] and orders . . . rendered, issued or made . . . subsequently in connection with, arising under or relating to the above Orders." He has been ordered to demonstrate that the appeal has merit or face its dismissal.

instant matter. The allegations made against the remaining defendants are substantially similar in character and content. On March 30, 1993, Shieh filed what is, minus the allegations of RICO violations and civil rights violations, essentially an identical complaint in Say & Say[3] v. Miller (Sup. Ct. Orange County, 1993, No. 707971, dismissed July 7, 1993). Shieh has filed similar complaints based on substantially similar facts in Shieh v. Christopher (Super. Ct. Los Angeles County, 1992, No. BC054981); Say & Say v. Castellano (Super. Ct. Los Angeles County, 1992, No. BC054981); Say & Say v. David (Super. Ct. Orange County, 1993, No. 706439); Say & Say v. Lindquist (Super. Ct. Orange County, 1993, No. 706438) and Say & Say v. Layman (U.S. Dist. Ct., Cent. Dist. California, 1991, No.

[3] Say & Say is a corporation owned and controlled solely by Shieh.

CV916690JGD). In the Christopher, Castellano and Layman cases, as in the Ebershoff case, Shieh acted in propria persona as co-counsel.

In Shieh v. Christopher, Supra, Shieh purported to state causes of action for unfair competition, violation of Labor Code section 1050 et seq., defamation, invasion of privacy, interference with prospective economic advantage, legal malpractice, breach of fiduciary duty, conversion, breach of contract and inducing breach of contract. In the early and mid-1980s, Shieh worked for O'Melveny & Myers and Gibson, Dunn & Crutcher, assisting the efforts of those firms to establish, maintain and expand a practice in the Pacific Rim. "The initiation, course, termination, and aftermath of those associations are the subject of two prior civil actions brought by

Plaintiff: A. Shieh v. Michael Newman, et al., LASC case No. NEC53509 (Appeal pending: 2nd Civil No. BO59327) . . . and L.C. Shieh, et al. v. David I Thompson, et al., LASC Case No. NEC 54381 (Appeal pending: 2d Civil No. BO64714)[4]."

Once again, Shieh alleges the defendants "determined to stamp out a nettlesome competitor in the Pacific Rim . . . region of the legal services industry," himself. The defendants entertained personal enmity against him and the firms exchanged information about him in pursuant to their common goals. The defendants repeatedly made false statements impugning Shieh's character and the quality of the legal services he provided. These statements were made to Shieh's past or present

[4] As noted ante, the orders of dismissal were affirmed in Shieh v. Newman (BO59327, Sept. 16, 1992) and Hsieh v. Thompson (BO64714), Feb. 1, 1993).

clients, those thought to be his potential clients and those associated with law firms believed to be considering or to have a professional association with Shieh. The defendants agreed to make such statements jointly and simultaneously in a manner calculated to suggest corroboration of each others' statements. They kept confidential personnel files on Shieh and disclosed private information about him to each other and to the public at large.

O'Melveny & Myers wrongfully kept clients Shieh had brought to the firm, refusing to release the client files to him. Gibson, Dunn & Crutcher did the same. These defendants knew Shieh had a contractual arrangement with another defendant, Richard Tarlow (Tarlow), Who was acting as his attorney. Defendants

attempted to include Tarlow to breach his contract with Shieh. They succeeded.

On December 11, 1992, the superior court declared Shieh to be vexatious litigant in both the Christopher case and the Castellano case pursuant to Code of Civil Procedure section 391, subdivisions (b)(3) and (4), and ordered that he furnish security in the form of 2 bonds for $100,000 each for the benefit of O'Melveny & Myers and Gibson, Dunn & Crutcher jointly and for the benefit of Richard Tarlow. The action was stayed pending the furnishing of the security, and the court issued a prefiling order pursuant to Code of Civil Procedure section 391.7 prohibiting Shieh from filing any new litigation in any court of this state without first obtaining leave of the

presiding judge of the court in which he sought to file.[5]

On April 22, 1993, the superior court again declared Shieh to be a vexatious litigant in the Castellano case upon the motion of another defendant, Ivy Yuen. The court ordered Shieh to furnish security by posting a bond for $100,000 and stayed the action until the security was furnished; additionally, Shieh was ordered to show cause on June 3 why the action should not be dismissed as to Ms. Yuen if the security had not been furnished by that time. Finally, the court scheduled for

[5] An appeal filed on May 1, 1993 was dismissed on June 17, 1993. Shieh has again appealed from orders made in these cases, filing notices of appeal in Shieh v. Christopher (B076400, May 28, 1993; B076762, June 3, 1993) and Say & Say v. Castellano (B076656, June 1, 1992; B076709, June 8, 1993). In the Christopher case, there is currently pending a motion to dismiss B076400 for lack of jurisdiction. We have ascertained that no final judgment had been filed in this case as of June 25. Accordingly, nothing in these appeals affects the vexatious litigant order. In the Castellano case, it is impossible to ascertain the nature of the rulings from which Shieh's all-encompassing notices purport to appeal.

hearing on May 24 the motion of defendant Household Bank for a similar order. Shieh failed to appear on the latter date, and was adjudged in contempt; a bench warrant currently is outstanding for Shieh. This court recently entertained and denied a petition for a writ of mandate based on these orders (Shieh v. Superior Court (Castellano) (BO76637, July 7, 1993), denied July 15, 1993) and another challenging all vexatious litigant orders in both the Christopher and the Castellano cases (Shieh v. Superior Court (Castellano and Christopher) (BO76677, July 8, 1993), denied July 15, 1993).

In an order dated February 26, 1993, Judge Ted Millard of the Orange County Superior Court, sitting by assignment, heard challenges to Judge Edward Y. Kakita in the Christopher and

Castellano cases, as well as a third case. Judge Millard also declared Shieh to be a vexatious litigant, noting he was waging a "campaign of litigation terror," and District Court Judge Dickran Tevrizian likewise had declared Shieh vexatious. That order is final.

In Say & Say v. Layman, Supra, Shieh alleged attorney Francisca Araiza (Araiza) and Say & Say had an oral agreement under which Araiza would render legal services as assigned by Shieh. Araiza breached the agreement, mishandled cases and cooperated with other defendants to steal files and other property belonging to Say & Say. Additionally, she sent disparaging letters to Shieh's clients and conspired with Imperial Savings with respect to the payment of checks drawn on a particular account. Finally, Araiza filed suit in state court and sought a

preliminary injunction only as a means of harassing Say & Say and Shieh. Based on these allegations, Say & Say and Shieh purported to state causes of action for breach of contract, fraud, conversion, intentional interference with prospective economic advantage, legal malpractice, breach of fiduciary duty, trespass, invasion of privacy, intentional infliction of emotional distress, unfair competition, abuse of process, breach of the covenant of good faith and fair dealing, violation of RICO and violation of federal civil rights. In other words, this action involves facts substantially similar to those of the instant action and other cases and recites an indistinguishable litany of grievous wrongs.

On April 16, 1992, the district court dismissed the state law claims, since they predominated substantially

over the deferral claims. On April 21, the court dismissed the federal claims. On April 21, the court dismissed the federal civil rights claims on the ground that there was no state action alleged, but gave Say & Say and Shieh 10 days in which to amend their complaint. They filed no amendment, and the court dismissed the federal civil rights claims with prejudice on May 20, 1992.

On April 13, 1992, the court heard Araiza's motion to dismiss the remainder of the action for discovery abuse and/or to compel Shieh's attendance at his deposition; another defendant's motions to dismiss, for a protective order staying or limiting discovery and for sanctions against Shieh and a third defendant's motions to dismiss for failure to state a claim and for sanctions against Shieh. On April 14, the court assessed sanctions against

Shieh in the aggregate sum of $5,490.50. Plaintiffs moved for reconsideration of the imposition of sanctions; the motion was heard on June 8, 1992, as was plaintiffs' motion to dismiss the action voluntarily.

The district court denied the motion for reconsideration, dismissed the action with prejudice and, on June 18, ordered Shieh and his co-counsel, James L. Andion (Andion), to show cause why each of them should not be sanctioned for reprehensible conduct during the course of the action. Shieh was ordered to show cause why he should not be sanctioned pursuant to Federal Rules of Civil Procedure, rule 11, for filing the complaint and why he should not be sanctioned pursuant to 28 United States Code section 1927 for filing a reply on June 2 to the opposition to the motion for reconsideration of the sanctions.

On July 21, 1992, plaintiffs sought to disqualify Judge John G. Davies. The motion for refusal was returned to the court clerk for assignment of a judge to rule on it. On July 29, 1992, Judge Gadbois denied the motion.

In an order filed September 1, 1992, the district court noted that "[b]y signing a document filed with the Court, the signator represents that after reasonable inquiry, the document is well grounded in fact and warranted by existing law, and that it is not interposed for an improper purpose. [Citation.]" Shieh had signed the complaint, which purported to state 12 state causes of action, a RICO claim and a federal civil rights claim. However, the plaintiffs had not alleged any state action in their civil rights claim and failed to amend when given the opportunity to do so. Consequently, the

civil rights claim was dismissed. Additionally, plaintiffs never filed the RICO case statement required by court order; instead, they expressed a desire to abandon that claim.

The district court concluded, "[a]n objective review of plaintiffs' complaint reveals the paucity of their federal claims. The allegations concerning civil rights and RICO are completely insufficient to support those cause of action. Plaintiffs admitted as much by failing to amend their civil rights claim and by failing to file a RICO case statement. Thus, plaintiffs' complaint was not well grounded in fact nor warranted by existing law. The complaint was frivolous and was filed in this Court to harass, and to frustrate the progress of a state court action previously filed by Ms. Araiza." Accordingly, Shieh must be sanctioned

for his conduct. The court thereupon imposed sanctions of $7,500 for filing the complaint to be paid to Araiza and her attorneys within 20 days of the entry of the order.

The court additionally noted Shieh was "liable for sanctions for his involvement in the filing of Plaintiffs' Reply. The Court has inherent power to impose sanctions against both attorneys and parties for bad faith conduct in litigation. [Citation.] 'Bad faith' means that the party or counsel acted 'vexatiously, wantonly, or for oppressive reasons.' [Citation.]" Shieh was both a named plaintiff and an attorney for the plaintiffs. His name appears as counsel on the reply, "which contains inflammatory, disparaging and uncivil remarks directed at both the parties interested in this action and the Court. The Court finds that the

Plaintiffs' Reply was filed in bad faith and for vexatious reasons." Accordingly, the court imposed sanctions of $2,500 against Shieh for the filing of the reply. That sum was to be paid to the court clerk within 20 days of the entry of the order.[6]

In Short, the court declared Shieh to be a vexatious litigant. He had filed a groundless, wholly frivolous complaint with highly improper motives and had filed other documents for purely vexatious reasons.

DISCUSSION

Subdivision (b)(4) of Code of Civil Procedure section 391 defines a vexatious litigant as a person who "[h]as previously been declared to be a vexatious litigant by any state or

[6] The court also imposed sanctions of $2,500 against Andion.

federal court of record in any action or proceeding based upon the same or substantially similar facts, transaction, or occurrence." It is immaterial that Shieh presently is represented by counsel. (Muller v. Tanner (1969) 2 Cal.App.3d 438, 444.) As outlined ante, Shieh has been declared a vexatious litigant in the United States District Court for the Central District of California and by two separate superior court judges in three district cases, all of which are based on facts substantially similar and make claims substantially similar to the facts asserted and claims made in the litigation underlying the Fulbright & Jaworski appeals. Hence, he clearly fits the definition of a vexatious litigant.

Moreover, since Shieh's appeals in the

instant matter have been dismissed, there clearly is no likelihood he will prevail. While Shieh may receive one of the appeals partially upon timely payment of the sanctions which are the subject of the order from which he appeals, the general tenor of his conduct in the trial and appellate courts of this state demonstrates that there still will be no reasonable likelihood that he will succeed in overturning the award of sanctions.

The repeated imposition of sanctions in the trial courts and this court, the requirement that he post security in two superior court actions and the existence of other prefiling orders has had no discernible effect on Shieh's out-of-control litigation. Consequently, we have no choice but to impose our own prefiling order pursuant to Code of

Civil Procedure section 391.7, subdivision (a).

The court finds that Liang-Houh Shieh is a vexatious litigant within the meaning of Code of Civil Procedure section 391, subdivision (b)(4). Ordinarily, pursuant to section 391.7, subdivision (a) of the Code of Civil Procedure, Shieh would not be permitted to file "any new litigation in the courts of this state in propria persona without first obtaining leave of the presiding judge of the court where the litigation is proposed to be filed." This case, however, breaks the mold.

It is apparent from syntax, grammar, style and tone that, both in the trial courts and in this court, many -- if not most -- of the pleadings and other documents filed by Shieh or on his behalf have been written by the same person. This is the case even though

Shieh has filed many of the initial pleadings in propria persona and then associated in co-counsel or substituted in a variety of replacement counsel, some of whom in turn become defendants in new litigation Shieh initiates. It is patently obvious that every writ petition, notice of appeal, appellant's brief and opposition to orders to show filed in this division has been drafted by the same hand, even though Shieh ostensibly has appeared in propria persona and through two separate attorneys, Guy Rollins and James L. Andion.

In short, it is clear that Shieh does not engage attorneys as neutral assessors of his claims, bound by ethical considerations not to pursue unmeritorious or frivolous matters on behalf of a prospective client. (Cf. Taliaferro v. Hoogs (1965)236 Cal.App.2d

521, 527.) Rather, these attorneys who ostensibly "represent" Shieh serve as mere puppets. Based on these facts, we conclude a prefiling order limited to Shieh's in propria persona activities would be wholly ineffective as a means of curbing his out-of-control behavior.

Accordingly, Liang-Houh Shieh may not file any new litigation in the courts of this state, whether in propria persona or through an attorney, without first obtaining leave of the presiding judge of the court in which he proposes to file the litigation, as provided in Code of Civil Procedure section 391.7, subdivision (b). Moreover, whether he acts in propria persona or through an attorney, before filing appeals or writ petitions in this court, Shieh must seek leave from the Administrative Presiding Justice. Disobedience of this order will be punished as a contempt of court.

(Id., subd. (a).) The clerk of this court is directed to provide a copy of this opinion and order to the Judicial Counsel. (Id., subd. (d).) Copies shall also be mailed to the presiding judges and clerks of the Los Angeles, Orange and Ventura County Superior Courts and each branch of the Los Angeles County Municipal Court. Additionally, inasmuch as Shieh is an attorney, and engaging in vexatious litigation smacks of grievously unethical conduct, a copy shall be mailed to the State Bar.

Finally, we wish to provide some guidance to the trial courts. Every court has the power "[t]o compel obedience to its . . . orders . . ." (Code Civ. Proc., §128, subd. (4).) Shieh currently has outstanding in the trial courts $305,326.90 in unpaid sanctions in five separate cases. We suggest to the trial courts that it

would be appropriate, upon notice and an opportunity to be heard, to consider dismissing these cases for failure to pay the sanctions.

CERTIFIED FOR PUBLICATION

SPENCER,

P.J.

We concur:

ORTEGA, J.

VOGEL (Miriam A.), J.

APPENDIX C

SUPERIOR COURT OF CALIFORNIA,
COUNTY OF LOS ANGELES

DATE: 04/22/93
DEPT.14
HONORABLE EDWARD KAKITA JUDGE
HONORABLE JUDGE PRO TEM
V. GALLUCCI
J. BESINAIZ DEPUTY CLERK
ELECTRONIC RECORDING MONITOR
J. WYATT Reporter

9:am BC041515 Plaintiff David Eisen (X)
Fulbright & Jaworski Counsel
vs.
Liang-Houh Shieh Defendant JAMES ANDION
(x)
Counsel RICHARD HOPKINS (x)
RELATED TO GC 004191, BC054981 & BC
059833

NATURE OF PROCEEDINGS:

MOTION OF DEFENDANTS, LIANG-HOUH SHIEH, PERCY CHIN & PSJ CORPORATION FOR RELIEF FROM DEFAULT;

Motion is denied.

Counsel for the defendant is to give notice.

MINUTES ENTERED

PUBLISHER'S NOTE:

THE FOLLOWING PAGE WAS UNAVAILABLE FOR FILMING:

Page 4

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT
DIVISION ONE

(COURT STAMP): COURT OF APPEAL.SECOND DIST. FILED JUL - 7 1993
JOSEPH A. LANE¡ Clerk
Victor L. Salas Deputy Clerk

FULBRIGHT & JAWORSKI,) B068256
Plaintiff and) c/w B075640
Respondent,) (Super.Ct.
LIANG-HOUH SHIEH et al.,)
) (No.BC041515)
Defendants and)
Appellants.) ORDER TO SHOW
) CAUSE
PURSUANT TO
CODE OF CIVIL
PROCEDURE
SECTION 391
AND 391.7

THE COURT:[1]

Good cause appearing thereof, defendants in the above-entitled matter are ordered to appear before this court in its courtroom at 300 South Spring Street, Los Angeles, California, on July 28, 1993, at 9:00 a.m., to show cause why defendant

[1]SPENCER, P.J.; ORTEGA, J.; VOGEL (MIriam A.), J.

Liang-Houh Shieh should not be declared a vexatious litigant as defined by Code of Civil Procedure section 391, subdivision (b)(4). This court is considering entering a prefiling order, pursuant to section 391.7, subdivision (a). (See In re Luckett (1991) 232 Cal.App.3d 107.)

Defendant Shieh may file and serve via personal service a letter brief in opposition to the finding that he is a vexatious litigant as describes above and to the imposition of a prefiling order.

[C:\L\EBERSHOF\948IIA\A\FJ-OSC.APE]J

APPENDIX D

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELS

FULBRIGHT & JAWORSKI, a Texas Partnership, Plaintiff, vs. LIANG-HOUH SHIEH, ET AL. Defendants.	CASE NO. BC 41515 JUDGMENT BY COURT AFTER DEFAULT

. . .IT IS HEREBY ORDERED THAT plaintiff Fulbright & Jaworski recover from said defendants the principal sum of $176,278.55, together with interest on said judgment as provided by law. The Clerk is ordered to enter the judgment.

DATE: AUG 25 1993

SIGNATURE

HONORABLE, SUPERIOR COURT JUDGE PRO TEM ARNOLD LEVIN

APPENDIX E

The California Supreme Court Case No. S035088

Court of Appeal Case No. B0 76978

IN THE SUPREME COURT OF CALIFORNIA

DECLARATION OF LIANG-HOUH SHIEH

IN SUPPORT OF PETITION FOR REVIEW

Law Office of Lawrence B. Yang
301 N. Lake Avenue
Suite 720D, Pasadena, CA 91101
(818)405-0346

Attorney for Petitioner

ECLARATION OF LIANG-HOUH SHIEH

IN SUPPORT OF PETITION FOR REVIEW

I have personal knowledge of the facts stated herein, and if called as a witness, I could and would competently testify thereto.

I. I AM ABSOLUTELY INNOCENT BUT WAS

MISTAKENLY DECLARED AS A VEXATIOUS LITIGANT

A. In California's Entire Legal History, Notwithstanding The Glaring Fact That I Was/Am Always Represented By Approximately 20 Law Firms, I Was Nevertheless Declared As In Pro Per And As A Vexatious Litigant.

1. In California's entire legal history, all litigants who were declared vexatious litigants ("VL") have the following activities in common: (1) They personally showed up in court rooms to argue their own cases in pro per; (2) They researched, drafted, signed and filed all pleadings in courts in pro per; (3) They communicated with opposing counsel/parties directly; (4) They conducted discovery by themselves without counsel; and (5) English is their first language which enabled them to be truly in pro per.

2. I do not have any of the above five factors: (1) I do not show up in court rooms to argue my own cases; (2) I do not research, draft, sign and file pleadings in court for my own cases; (3) I do not communicate with opposing counsel/parties in my own cases; (4) I do not conduct discovery by myself; (5) English is my third language, and I was born and raised in a foreign country[1]. The language and cultural difficulties prevent me from doing what VLs have done; (6) all of my lawyers act independently and they are not hired for signature only[2]. I have never

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[1] Because English is my third language. I do not do any of the above six (6) activities.

[2] Declarations of three of my lawyers, Attorneys Lance Haddix, Richard Hopkins and James Andion, attached in the Petition For Review ("PR"), at p. 55, para. 4; p. 57, para. 3; p. 60, para. 5. Even assuming that English is my native language and that I am a well trained American litigator, it is still absolutely impossible for me to work 60 hours minimum per day and 420 hours minimum per week for all of the litigation's work.

seen many opposing counsel/parties. I saw some of them when they took my deposition. I am not and cannot be in pro per and I am therefore not a VL under all applicable existing law.

II. THE PRE-FILING ORDER, WHICH PROHIBITS MY LAWYERS FROM FILING LITIGATION, APPEALS AND WRITS, IS, IN EFFECT AND AS A CONSEQUENCE, A PRE-DISMISSAL/PRE-DETERMINATION OF DEATH PENALTY ORDER

A. My Opponents Take Advantage of This Pre-Determination Death Penalty Order to Sue Me -- I Automatically Lose Because I Have No Right to Defend Myself Through My Lawyers

1. After two Superior Court pre-filing orders became effective, my opponents in Say & Say, L. Shieh v. Castellano, et al, BC 059833 ("Castellano State") filed three

lawsuits against me, without giving me any notice, and they all took "default judgments" against me. My lawyers, not me, filed three (3) appeals to the Municipal Court. On October 22, 1993, the Municipal Court granted my opponents' ex parte applications to dismiss three appeals on the ground of the pre-denial order, which prohibits my lawyers from filing appeals, in Castellano v. Shieh, 93K29256, Hollingsworth v. Shieh, 93K29255, and Luu v. Shieh, 93K29257. Now, defendants will levy my and my wife's property.

2. As a defendant, I was forced to come to the California court to defend the allegations against me. Even if my lawyers have always represented me, I have absolutely no right to defend myself through my lawyers. As a defendant, I even have no right to appeal through my

lawyers. Consequently, everyone who sues me automatically wins by default. The pre-denial order invites all people to sue me to get all of my property. I have no right to appeal. This is a taking without due process of law. There are two more cases pending against me. One is Fulbright & Jaworski v. Shieh ("FJ Action"), in which FJ has obtained $178,000.00 default judgment against me and my clients PSJ Corp. and Percy Chien. The other is Araiza v. Shieh. The pre-denial order has destroyed my career and all of my family members' future.

B. My Right to File Cross-Complaint and to Sue Is Completely Deprived

1. At present, Divisions One and Five of the California Court of Appeal Second District have taken steps to dismiss all appeals filed by my lawyers.

(1) Division Five dismissed two cases, namely Ebershoff I (Shieh v. Ebershoff, BC 027441, B 073060, S not available) and Ebershoff II (Shieh v. Ebershoff, BC 061170, B 076762)[3] through its own false allegations that I am in pro per, and that I violated the pre-denial order. The records are clear that I did not research, draft, sign and file any papers in Ebershoff I and Ebershoff II. The pre-filing order is not retroactive and is not applicable to me.

(2) Division Five has issued an OSC to declare Say & Say, a California corporation ("Company") a VL, and to subject it to pre-denial order so as to dismiss all of the Company's appeals. The

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[3] The appeals in "Ebershoff I" and "Ebershoff II" involve completely different issues. Both cases involved substantially different parties and different causes of action.

president of the company has declared under penalty of perjury that I and my family member have neither ownership nor control over the Company (Exhibit B).

(3) Division One is in the process of dismissing the Castellano State case.

2. The Fourth District of the Court of Appeals acts vigorously in dismissing all appeals, except one[4], without notice and without hearing, even if I am always represented by lawyers.

3. In the Orange County Superior Court, all litigation were automatically dismissed. One was dismissed without notice and without hearing. The Los

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[4] Say & Say, et al. v. Miller, et al., is now pending in 4th Dist. The Opening Brief is due on November 8, 1993, after the Superior Court dismissed the complaint for alleged violation of pre-denied order by my lawyers. In that case, I am always represented by lawyers.

Angeles Superior Court also dismissed one case without notice and without hearing.

4. The new litigations were researched, drafted, signed and filed by my lawyers. They were filed because California Civil Procedure ("CCP") §391.2 provides that the determination in VL motion is not a determination on the merits. My lawyers have discovered new facts, new causes of action and thus filed new actions.

5. The cross-complaints were also dismissed even if my lawyers have requested the presiding judge for approval.

C. The Pre-denial Is a Civil Death Penalty But Is Worse Than Criminal Death Penalty in Terms of The Nonexistence of Procedural Safeguard

1. Whether or not Judge Kakita's decision is correct, his pre-filing order is the same as pre-denial, which automatically denies or dismisses all of my lawyers' litigation, appeals and writs. By the time the higher court reverses his decision it would be one to two years and all of my litigations, appeals and writs will have been automatically dismissed. This is a disaster for me, my family and my lawyers. This Court should not allow the Superior Court to destroy me by depriving my rights to appeal through my lawyers.

2. In a monetary judgment by the trial court, one can provide security to prevent enforcement. In the injunctive case, the moving party has to post a bond. But, in my case, the State of California or Judge Kakita did not put a bond for the pre-denial order. How can I put a bond, if I

am financially able to, to stop such pre-denial order?

3. The pre-denial order is effective for life as long as I am alive. This is the same as civil death penalty. On the other hand, it is easy for any judge, as judge Kakita, to adjudicate me in contempt.

4. In California, a death penalty case is automatically heard by the California Supreme Court. But, the pre-denial order prevents me and all of my lawyers from filing appeals is not automatically reviewed by the California Supreme Court. They are dismissed automatically anyway.

5. This is the worst case I and my lawyers have ever heard in California's and American's entire legal history. This is absolutely unfair to me as a foreigner.

6. When my new lawyer Lawrence B. Yang requested the fourth District to allow him to file the Notice of Appeal, in Say & Say and L. Shieh v. Ritt, et al, Mics 711618, S 035276, and in Say & Say and L. Shieh v. David, et al, Misc 706439, S 035274, the 4th Dist. automatically denied both appeals without considering that (1) my new lawyer (not Attorney Andion or Rollins, and not me), filed the appeals, (2) CCP §391.7 does not prohibit my lawyers from filing appeals, (3) Division One's pre-denial order is not retroactive, (4) my lawyer, not me, drafted and filed two complaints in the above two cases, and (5) whether or not I am a VL is not yet final, and (6) Say & Say, a California corporation, is not a VL and Say & Say is not owned by me or my family member and is not controlled by me or my family member.

7. Attorney Andion filed a request for

approval to file the Notice of Appeal and Notice To Prepare Reporter's Transcripts And Notice of Election To Prepare Appendix in Say & Say and L. Shieh v. Lindquist, et al, G 014699, S 034597. It is apparent that the 4th Dist. has approved such filing. But the 4th Dist subsequently and automatically dismissed the appeal.

8. On October 20, 1993, Div. 5 also dismissed Ebershoff II's appeals even if I am always represented by lawyers in this actions and all appeal papers were drafted and filed by my lawyers. My new lawyer Mr. Yang requested for clarification as to which one of the three cases Div. 5 refers to and if it is Ebershoff II which one of the 6 appeals Division 5 refers to. Div. 5 denied the request. When Attorney Yang was very sick and his mother-in-law was under operation, the request for extension of time was denied the same day as the appeal

was dismissed.

9. On October 27, 1993, Division Five further issued another Order to Show Cause Re: Vexatious Litigant, intending to declare Say & Say, a California corporation in which I am only one of the counsels, to be a vexatious litigant under CCP §391 et seq.

10. Every judge and justice who has heard my cases, whether I am a plaintiff or defendant, is prejudiced against me as soon as they were informed that I was declared by Judge Kakita of the Superior Court as a VL. They have no patience to follow their judicial duty to hear and to review my lawyers' arguments.

III. I HAVE NEVER BEEN DECLARED A VEXATIOUS LITIGANT UNDER §391 (b)(3) & (4) OF THE CALIFORNIA CODE OF CIVIL PROCEDURE

PRIOR TO JUDGE KAKITA'S ORDER

A. Judge Kakita Cannot Declare Me A VL Pursuant to CCP §391 (b) (4) Because I Have Never Been Declared A Vexatious Litigant Prior To November 17, 1992 By Any Court in the World

1. The records in this world will speak for me that I have never been declared as a vexatious litigant ("VL") by anyone in the world prior to November 17, 1992.

(1). Neither my lawyers, nor I, have ever received any motion or any order to show ause to declare me a VL, and no court in the world has ever declared me a VL prior to November 17, 1992.

(2). Judge Kreiger of the L.A. Superior Court correctly stated that a "comment" is not a declaration that someone is VL. He therefore ruled on February 18, 1993 that any comments made by any judge regarding

myself or my lawyers is not a declaration of me as a VL. See transcript of the hearing on February 18, 1993 in Ebershoff II (Shieh v. Ebershoff, BC 061170). Therefore, Judge Pfaelzer's comment to my lawyer that it is "ridiculous" for my lawyers to hold general partners liable for other general partners' actions is not a declaration of me as VL. See Declaration of Lance Haddix, PR at p. 56, para. 6. Judge John Davies' comments regarding my lawyer is not a declaration either. Nor is Judge Dickran Tevizian's comment on a third party "Mr. Percy Chien" in Chien v. Hathaway, et al in the federal court (I am not a party in that action and I was not involved in that disqualification proceeding) is a declaration of me as VL.

2. Defendants in both Castellano State and Christopher State (Shieh v. Christopher, O'Melveny & Myers, et al, BC 054981) cases

are my former counsel and my former counsel's conspirators. They are estopped from claiming their former client, me, a VL for all actions taken and all documents filed by them for me. Otherwise, all lawyers in this nation will file a motion to declare their clients VL when they are sued by their clients for legal malpractice. All lawyers will say that due to the fact that they did not prosecute their clients' cases diligently, their former clients became in pro per and are VL. This Court should protect clients' fundamental rights.

B. I Cannot Be Declared As VL Under CCP §391(b)(3) By Judge Kakita Because I Was/Is Represented By Lawyers In That Very Proceeding

1. The holding of the Camerado v. Superior Court (12 Cal. App. 4th 838, 16 Cal. Rptr.

2d 42,1993 ("Camerada"), clearly states that I cannot be declared as a VL because I was/is represented by lawyers in that "very proceeding."

2. On November 17, 1992, I was represented by two separate law firms: the Law Office of Lucien Schmit and the Law Office of Richard Hopkins[5]. The trial court's record demonstrates that the Law Office of Lucien Schmit represented me since June 28, 1992 before anyone in the world has ever filed any motion to declare me a VL. To avoid the confusion created by my opposing parties, the Law Office of Lucien Schmit and I executed two substitutions of attorney, one in Castellano State and the other in Christopher State, and filed in both cases in October, 1992. (Exhibits C

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5 I hereby request this court to take judicial notice of the court's records in both Castellano State and Christopher State cases that I was represented by two law firms, and I am still represented by lawyers.

and D). The Law Office of Richard Hopkins, who handled my Ebershoff cases, also became my lawyer in both Castellano State and Christopher State cases. Because I was represented by two law firms on November 17, 1992 in that "very proceeding", I cannot be declared as VL by Judge Kakita under CCP §391(b)(3).

3. As aforementioned, defendants in both Castellano and Christopher cases are estopped from claiming their former client, me, a VL for all actions taken and all documents filed by them. Otherwise,

C. Judge Kakita Denied Defendants' Motion To Declare Me A VL Under CCP §391(b)(1) & (2)

IV. JUDGE KREIGER SHOULD NOT HAVE DECLARED ME A VL UNDER CCP §391 (b)(2)(3) & (4) ON FEBRUARY 18, 1993

A. I Should Not Have Been Declared As VL By Judge Kreiger On February 18, 1993 Under CCP§391 (b)(4)

1. As stated above, Judge Kreiger admitted that I should not have been declared as a VL by Judge Kakita under CCP §391 (b)(4), because no one ever declared me a VL prior to November 17, 1992, and because Judge Kakita was wrong. It is apparent that Judge Kreiger admitted that Judge Kakita's declaration of me a VL under CCP §391 (b)(4) is wrong, but under CCP §391 (b)(3) is correct. Because Judge Kakita had declared me a VL under CCP §391 (b)(3), such declaration constitutes a prior declaration, and thus Judge Kreiger considered me qualified to be a VL under CCP §391 (b)(4). This reasoning is wrong due to the following two reasons.

2. First of all, as stated above, in

both Castellano State and Christopher State cases, I was represented by two law firms on November 17, 1992 in that "very proceeding." Accordingly, under the holding of Camerado case, I cannot be declared as a VL by Judge Kakita in the first place. Since the declaration of me as a VL under CCP §391(b)(3) by Judge Kakita was wrong in the first place, Judge Kreiger cannot use such incorrect decision to declare me a VL under CCP §391(b)(4). Judge Kreiger's declaration of me as VL under CCP §391(b)(4) is without basis.

3. Second, Kreiger handled the Ebershoff II action. This action arose from the "partnership disputes" between me and my former partners at FJ. The event occurred in and before March, 1991. The Castellano State case arose from the breach of fiduciary duty by my former lawyers Araiza, Castellano and Hollingsworth. The

events occurred in or about June 1991 (Araiza) and January, 1992 (Castellano and Hollingsworth). The Christopher State case arose from legal malpractice committed by my former lawyer Richard Tarlow. The event occurred in or about April, 1991. The cts, transactions and occurrences in both Castellano and Christopher cases are completely different from those in Ebershoff II case. Therefore, Judge Kreiger cannot declare me a VL under CCP §391 (b)(4).

B. I Should Not Have Been Declared As VL By Judge Kreiger On February 18, 1993 Under CCP §391 (b)(3)

1. As stated above, the holding of the Camerado case prohibits Judge Kreiger from declaring me a VL under CCP §391 (b)(3) because I was represented by three law firms in that "very Proceeding", namely

the Law Offices of Richard Hopkins, the Law Offices of Donald Miller and the Law Offices of Guy Rollins as of February 18, 1993. I hereby request this court take judicial notice to that effect.

2. I was represented by the Law Offices of Richard Hopkins from the commencement of the Ebershoff II action. To avoid the confusion created, again, by my opposing parties, the Law Offices of Richard Hopkins and I executed the substitution of attorney, dated November 11, 1993 before any defendant was served. (Exhibit C). The same substitution of attorney was also served upon each and every defendant at the same time when the summons and complaint were served upon defendants. Ebershoff II is a very complicated case, thus the Law Offices of Donald Miller and the Law Offices of Guy Rollins became my additional attorneys.

3. I have never filed any paper in Ebershoff I and II in Pro Per. I have never appeared in the courtrooms in Ebershoff I and Ebershoff II. I have never met any of these three judges in both cases.

C. I Should Not Have Been Declared As VL by Judge Krieger On February 18, 1993 Under CCP §391 (b) (2)

1. Again, the holding of the Camerado case prohibits Judge Kakita from declaring me a VL under CCP §391 (b) (2) because I was represented by three law firms in that "very Proceeding".

2. Judge Kakita denied defendants' motion to declare me a VL under CCP §391 (b) (2) in Castellano State based on the same facts and same documents falsely

presented by my opposing parties. Judge Kreiger is, at least, collaterally estopped from declaring me a VL, if Judge Kakita's prior decision is not res judicata.

3. Other facts are the same as those stated above concerning the declaration of me a VL under CCP §391 (b)(3) in Ebershoff II action.

V. I SHOULD NOT HAVE BEEN DECLARED A VEXATIOUS LITIGANT UNDER CCP §391 (b)(4) BY DIVISION ONE OF THE COURT OF APPEALS, SECOND APPELLANT DISTRICT

A. None Of The Declarations Of Judges Kakita And Kreiger Are Final

1. On June 3, 1993, Judge Kakita dismissed both Castellano state and Christopher state cases. On or about June

8, 1993, my lawyers, not I, filed notices of appeal in both cases. The appeals are now pending in the court of appeal.

2. On June 3, 1993, Judge Cappai dismissed the Ebershoff II. At the end of June, 1993, my lawyers, not I, filed notices of appeal in this case.

B. Division One Has No Original Jurisdiction And Has Violated The Principle of Separation Of Power and MY Fundamen

C. All Of My Lawyers Are Independent From Me And None of Them Are My Puppets.

1. The Declarations of Lance Haddix, Richard Hopkins and James L. Andion admitted under penalty of perjury that they are independent from me and none of them is my puppet.

2. My opponent LDBB alleged that, in the Ebershoff Federal, three law firms, namely, the Law Offices of Richard Hopkins, the Law Offices of Guy Rollins, the Law Offices of James Andion are working on my cases on a full-time basis. This allegation is false because each of these three law firms has its primary office and other clients to serve. But, it proves that a substantial amount of work was needed for my lawyers to perform. They have to research, review files, draft pleadings and argue at court. They cannot simply sign documents. If the allegation of Division One is correct, they would have filed more than 1,800 pleadings per hour (assuming that signing a document without reading is six seconds per document, a lawyer can sign 10 documents per minute, and 600 per hour. Three lawyers can sign 1,800 documents in total

each hour). The records in court would prove that there is no such number of pleadings.

3. The allegation by Division One that all of my past, current and future lawyers are my puppets are absolutely false and absolutely impossible. Division One did not conduct any discovery to prove that they are my puppets, nor did Division One issue Order to show cause ("OSC") to give any of my more than 20 lawyers opportunity to prove that they are not my puppets.

4. Division One failed to meet its burden of proof that all of my lawyers are my puppets. Here are some factors for this Court's consideration:

(1) I was born in Taiwan, Republic of China ("ROC"), I am not Caucasian (white person). All of my 20 lawyers who represented me in the alleged cases as of

August 31, 1993 are Caucasian.

(2) All of these Caucasian lawyers are not my friends, my alumni (none of them are Yale graduates or studied in R.O.C.), or my relatives. They are all strangers to me. They were retained as my lawyers through referral or public advertisement. I have never met with them or have any connection with them prior to the initial discussion of their representation of me except Donald Miller[6]. It is absolutely impossible for a stranger to agree to be my puppet for at least the following reasons: (a) The vast majority of my lawyers have practiced law in the United States for more than 10 years; (b) I am not a litigator and I retained lawyers to

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6 I have never worked with Mr. Miller in any capacity. I met with him very briefly at Lewis, D'Amato, Brisbois and Bisgaard ("LDBB"). When he left LDBB for another place, I invited him for lunch as a Chinese custom. Since that time in or about 1988, I did not see him again until he answered an advertisement in late 1992. Our relation is purely that of attorney-client.

give me independent legal advice; (c) I do not have money to buy puppets; and (d) I have no way to control their activities (E.g., I do not go to court with them, they do not live with me and they do whatever they want to).

5. The following evidence proves that my lawyers act independently:

(1) The declarations of Lance Haddix, Richard Hopkins and James Andion state under perjury of penalty that they work independently. PR at p. 55, para. 4; 57, para. 3; 59, para. 5.

(2) The vast majority of my lawyers's law firms, approximately 17 law firms, do not have foreign assistants. Their pleadings contain perfect English. I request this Court to take judicial notice on my lawyers' Petition For Review filed in this Court that their English is perfect except some law firms which retain foreign

assistants and these law firms do not rewrite the entire pleadings or do not make substantial changes.

(3) Some law firms retained foreign assistants to do research and to prepare initial draft of pleadings for their review. But, none of the pleadings were researched and drafted by me. See Declarations of G. Li and M. Ma, Attorney Andion's foreign assistants, which proves that all pleadings filed in Division One of the Court of Appeals were researched and drafted by them for Attorney Andion's review[7]. As advised by my lawyers and as a matter of fact, the time I spend on my cases cannot be charged as attorney fees against my opposing party. On the other hand, the time I spend on my clients'

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[7] PR at p. 61, para. 2, 3; 62, 63, para. 2, 3. See also the declaration of James Andion that he has at least six foreign assistants and that I have forgotten how to do research, that I have more than 100 clients and 1,000 potential clients to serve, that I am a business lawyer and I do not research and draft any pleadings.

business matters can be charged to my clients. From an economic point of view, litigation matters are handled by my lawyers, including my own cases. I only handle business and international legal matters. PR at p. 60, para. 6(3), 7.

6. The following unfortunate events also prove that my lawyers are not my puppets: (1) Attorney Richard Tarlow refused to prosecute my cases in Shieh v. Newman, O'Melveny & Myers, et al, and Hsieh, et al v. Thompson for approximately three years. Both cases were dismissed for lack of prosecution. If Mr. Tarlow had been my puppet, he would not have refused to answer my phone calls, letters, and would not have done nothing on my two cases for approximately three (3) years. When my lawyers filed a lawsuit against Tarlow for legal malpractice in Shieh v. Christopher, O'Melveny & Myers, Tarlow, et al, BC

054981 ("Christopher State Case"), Highberger of Gibson, Dunn & Crutcher ("GDC") prepared pleadings and documents for Tarlow and took the defense for Tarlow in furtherance of their conspiracy for not prosecuting my cases. Tarlow is certainly not my puppet.

(2) My former attorney Araiza filed false declaration on behalf of my opponent Fulbright & Jaworski ("FJ"), and revealed attorney-client communication to my opponent Graham & James ("GJ"), GDC, OMM, etc. My fromer attorneys Andrew Castellano and Gary Hollingsworth did the same things. There are sued in Say & Say and L. Shieh v. Layman, Araiza, et al ("Castellano Federal"). Because the federal court refused to exercise the jurisdiction over the state claims. The state claims was filed in the state court in Say & Say and L. Shieh v. Castellano, Araiza, et al, BC 059833 ("Castellano

State")[8].

(3) Tarlow, Araiza, Hollingsworth, Castellano and Rusch are puppets of William Highberger, a partner at GDC. Highberger has prepared declarations and pleadings for their signatures and documents and exhibits for their use. Highberger also requested them to breach their fiduciary duty and reveal confidential and privileged information and documents. Highberger communicates with my former lawyers regularly and instruct them how to file false declarations and untrue allegations to deceive the Court. There is evidence by

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[8] My opponent always deceive the Court that my lawyers filed multiple lawsuits. In fact, several actions are not multiple, but are due to the federal court's refusal to exercise the jurisdiction over the state's claims. The following six actions are in fact three actions: (1) Castellano Federal, and Castellano State, (2) Ebershoff Federal and Ebershoff State II, and (3) Christopher Federal (voluntary dismissal without prejudice so as to refile all of the same causes of actions in the state court) and Christopher State.

the declaration of Castellano, where he admits that he communicates with Highberger almost everyday. One can conclude that Highberger also communicates with my other former lawyers regularly.

7. The only untrue and irresponsible inference By Division One that I prepared documents for my lawyers' signature is the allegation that the "syntax, grammar, style and tone" in the documents filed in Division One and other courts are the same. PR, at p. 51. Specifically, Division One falsely stated: "It is obvious that every writ petition, notice of appeal, appellant's brief and opposition to order to show cause filed in this division has been drafted by the same hand, even though Shieh ostensibly has appeared in propria persona and through two separate attorneys, Guy Rollins and James L. Andion." PR, at p. 51. This inference not

only is totally false, but is groundless. (1) As stated in the declarations of G. Li and M. Ma, two foreign assistants in the Law Office of James L. Andion, all documents submitted to Division One were researched and drafted by them for Mr. Andion's review, revisions and double checks.[9] This is the truth and fact. This Court should not let Division One apply the unconstitutional principle of "irrebuttable presumption" of my guilt. (a) From the last names "Li" and "Ma", they are not the same persons. Naturally their "syntax, grammar, style and tone" in the documents they drafted are different. Division One was unable to identify the difference in "syntax, grammar, style and tone" between two very different people, of course, Division One is not capable of identifying the difference in "syntax, grammar, style and tone" among Mr.

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9 PR, at 61-63, para. 3; 63, para. 3.

Andion's six foreign assistants.

(b) The declarations of Li and Ma under the penalty of perjury demonstrate that the "birth places, and basic legal education" as well as the "syntax, grammar, style and tone" of Li and Ma are completely different from mine[10].

(c) None of the documents filed in Division One was drafted by me. Division One has absolutely no evidence to compare my writing with those of other foreign assistants.

(d). This declaration is not prepared by me. It was prepared by my lawyer. My true "syntax, grammar, style and tone" cannot be seen here.

(2) I passed the bar exam in ROC in 1972 when I was a first year college student. In or about 1987 (15 years after), I became a senior attorney at LDBB:

(a) Since in or about 1987, many lawyers

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10 Declaration of Li and Ma, PR, at p. 62, 64, para. 7.

and legal assistants prepared documents for my clients for my review. In all of my own cases, I retained the Law Offices of Richard Tarlow and the Law Offices of Bayne & Bayne to represent me since 1987.

(b) Since 1989, when I became a partner at LDBB, virtually all, if not all, documents were prepared by my partners or their associates, or by the firm's foreign lawyers and assistants.

(3) No document, as far as I am aware of, since 1987, contain my real "syntax, grammar, style and tone". When Mr. Andion's assistants drafted documents for Mr. Andion's review and revision, the "syntax, grammar, style and tone" of that assistants are changed through Mr. Andion's revisions. Therefore, Division One's allegation that all of the documents which they have seen were drafted by me is totally false and unethical.

(4) The writ petitions, and appeal papers

which were unfortunately assigned to Division One relate to only three cases, namely Castellano State, Christopher State and FJ cases. Division One falsely states that I "ostensibly has appeared in propria persona and through two separate attorneys, Guy Rollins and James L. Andion." PR, at p. 51[11].

(a) I have never acted as co-counsel in both cases[12]. I have never signed the association of counsel with Mr. Rollins, Mr. Andion, Mr. Miller or Mr. Hopkins in

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11 The court's records clearly indicate that the Law Office Of Lucien Schmit became my attorney on or about June 28, 1992 in both Castellano State and Christopher State cases. To avoid the confusion, Mr. Schmit and I executed the substitutions of attorney and filed them in both cases in October, 1992. (Exhibits C and D). In or about November 1992, the Law Offices of Richard Hopkins became my additional lawyers. In December, 1992, the Law Offices of Donald Miller replaced the Law Offices of Lucien Schmit, and I was represented by the Law Offices of Richard Hopkins and the Law Offices of Donald Miller in both cases. Division One falsely accused that I was/is in pro per through Rollins and Andion.

12 See the declaration of Richard Hopkins, PR, at p. 58, para. 7.

both cases. I have never appeared in the court in either cases to argue for myself.

(b) In FJ case, the Law Office of Jed Silverstrom represented me from the commencement of that action. Later, the Law Offices of Gary Hollingsworth, the Law Offices of Lance Haddix, and the Law Offices of Donald Miller. See substitution of attorney executed by Mr. Miller and me and filed in the Court. PR, at p. 64. In FJ case, I have never appeared in the court to argue for myself. I am neither in pro per, nor am I a counsel for myself and my lawyers.

8. With respect to the allegation by Division One that I drafted the complaints and then associate in as "co-counsel" is also false.

(1) The following facts prove that the "syntax, grammar, style and tone" in the following three cases are different from

mine and are different from Li's and Ma's because these complaints and amended complaints were drafted by approximate three (3) law firms:

(a) Castellano [Araiza] Federal complaint was drafted by the Law Offices of Gary Hollingsworth. After the federal court declined to exercise the jurisdiction over the state claims, in order to stop the statute of limitation from running out, the same or similar complaint, originally drafted by Hollingsworth office[13] was filed. After the original complaint was filed, the Law Offices of Lucien Schmit prepared the draft of the first amended complaint ("FAC"). The Law Office of Richard Hopkins continued to finish the FAC. The Law Office of Guy Rollins made

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13 In Hollingsworth's office, he has several foreign assistants. One of them has married Hollingsworth. Accordingly, some documents drafted by Mr. Hollingsworth's office does not have perfect English. For example, Ivy Yuen, a woman from Hong Kong, is Mr. Hollingsworth's wife, and is still working in Hollingsworth's office.

changes and signed the FAC. The allegation by Division One that I drafted the FAC is false. The FAC superseded the original complaint.

(b) In Christopher State action, the original complaint followed the FAC of Christopher Federal drafted by the Law Office of Lance Haddix. The Law Office of Lucien Schmit drafted and filed the FAC before serving the summons and complaint (FAC) upon defendants. The FAC superseded the original complaint. The Law Office of Richard Hopkins drafted the second amended complaint ("SAC") in near final form. The Law Office of Guy Rollins made some changes and signed the SAC. The allegation by Division One that I drafted the FAC or SAC is false.

(c) In Ebershoff Federal, the original complaint was drafted and filed by the Law Office of Jed Silverstrom. The FAC was drafted and filed by the Law Office of

Lance Haddix. After the federal court declined to exercise the jurisdiction over state claims, the same or similar FAC was converted to the original complaint, filed in the state court by the Law Office of Richard Hopkins ("Ebershoff II"). The Law Office of Richard Hopkins continued to work on the FAC, based on his drafts in both Castellano State and Christopher State cases. The Law Office of James L. Andion finalized the FAC and filed it. The FAC superseded the Original Complaint. The allegation by Division One that I drafted and filed the original complaint and FAC is false.

(d) From the above, we can conclude that the "syntax, grammar, style, and tone" of the Law Offices of Lucien Schmit, the Law Offices of Guy Rollins, the Law Offices of James L. Andion and Law Offices of Lance Haddix are different from those of mine. The above complaints and amended

complaints, just as other pleadings, contain many different people's "syntax, grammar, style and tone." They cannot be the same, and they cannot be possibly drafted by only one person.

(e) If I drafted all of the pleadings, then what did I hire 20 lawyers for? If I drafted all of the pleadings, I would certainly be exhausted to death long before in 1991 for having to work for 70 hours per day and 420 hours per week in order to finish all the pleadings.

(2) All clients in the United States discuss the facts of their cases with their lawyers. Lawyers request their clients to review the complaint or any pleadings to see if the facts are accurate. This is the nature of the legal practice. All clients have the right to discharge their lawyers just as all lawyers can withdraw from representation. This is true in any and all professions in

the United States. Division One and my opponents have made this normal attorney-client relationship into a big deal and into something to falsely portray me in pro per and a VL, to circumvent the requirements of the VL statute.

(3) From the correspondence sent by Highberger of GDC to Steve Pelpe of OMM, and from certain documents prepared by GJ for its lawyers JMBM's use and signature, OMM has extremely close involvement with GDC (the same is true between GJ and JMBM). Division One does not consider OMM and GJ in pro per, who actually do research and draft documents for their lawyers' signature. This is absolutely unfair.

9. I am not a litigator. The complaints in the above three cases and in other cases were not drafted by me.

VII. THIS COURT'S REVIEW IS ABSOLUTELY NECESSARY

A. As A Practical Matters, The Court of Appeal's Decisions Are Final

1. Filing Petition For Review with the California Supreme Court and filing Petition For Certiorari with the United States Supreme Court require unique expertise. The California Supreme Court grants Petition For Review in civil cases only approximately 2% of petitions filed. It is also very difficult to obtain a grant for Petition For Certiorari [14]Consequently, the California Court of Appeal is the kingdom of the law. Their decisions are final, as a practical matter, regardless how emotional, biased, illegal and unconstitutional the decisions

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14 See "Lower-Court Reversal Rater" in "where will Justice Ginsburger Fit?" The National Law Journal, Monday, August 23, 1993, at S2.

are.

2. Unfortunately, the Published Decision by Division One contains completely false stories, emotional and discriminatory remarks, untrue, unprofessional and insulting languages, against a non-Caucasian lawyer. Such untrue and insulting languages produce an illegal and unconstitutional decision. It appears that Divisions One and Five of the 2nd Dist. as well as Division Three of 4th Dist. are not capable of functioning as the appellate court of this State. This Court's review on this Petition for Review is absolutely necessary to protect all litigants in this State.

B. The Pre-filing Order Against My Lawyers As Applied Retroactively Is the Same As the Complete Denial Of Any Filing By My Lawyers

1. The Municipal Court, the Superior Court and the Court of Appeal have automatically and uniformly denied all new litigation, and new appeal filed by my lawyers. Both courts have completely blocked justice and my rights to access the courts without considering the merits of the case.

C. I Am Not In Pro Per

1. I am a foreigner, English is my third language. I speak English with strong Chinese accent. There are the reasons that I do not handle my own litigation and my clients' litigation. My talent has been effectively used in business and international matters.

2. Since I passed the New York bar examination in 1982, I have never joined the litigation department in any law firms in United States. I have always joined the Corporate Department or Business

Department of the law firms.

3. I have never been in any court in Orange County, including, but not limited to the Municipal Court, the Superior Court, the Court of Appeal, and the United States District Court.

4. In the Los Angeles County, I have never been in the Court of Appeal and the Supreme Court. In the past eight (8) years, I may have been in the Los Angeles Superior Court approximately once for my clients and U.S. District Court in Los Angeles approximately once under the Court's order (not voluntarily).[15]

5. From the date I obtained clients, I have always given the litigation cases to

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[15] The U.S. District Court judge refused to continue the hearing upon my lawyer's request because my lawyer would be out of state. The judge ordered me to appear in the Court over my lawyers' objection.

the litigation departments of the law firms. My clients have approximately 100 litigation cases in the past and at the present time. I have never appeared in the Court to personally argue cases for my clients in those 100 litigation cases. Instead, I gave all litigation cases to the litigation departments to handle. This could be verified from the law firms' records at Lewis, D'Amato, Brisbois and Bisgaard ("LDBB") where I was a senior lawyer (1987-1988) and a partner (1988-1991), at Graham and James ("GJ") as a senior counsel (1988-1989), and at Fulbright and Jaworski ("FJ") as a general partner (1991), and the court's records.

6. I did the same thing after my partnership was wrongfully terminated by Fulbright & Jaworski ("FJ") through the conspiracy of Graham & James ("GJ") and others. I always gave the litigation

cases to my lawyers. The courts' records will prove this.

7. In order not to burden this Court, I do not list all of my clients' cases here. Upon request, I will submit all of my clients' cases with case numbers to this Court.

8. I hereby request this Court to take judicial notice that I am always represented by lawyers in each and every of my cases in the Municipal Court, the Superior Court, the Court of Appeal, and the California Supreme Court. I hereby request this Court to take judicial notice of the Court's records that I have been represented by at least 20 different law firms. I also requested this court to take judicial notice that I rarely go to courts, unless it is absolutely necessary in an extremely rare circumstances.

9. If a person, who is represented by more than 20 lawyers, is being declared a VL, then there is no law and no constitution in this Country.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on November 4, 1993.

Liang-Houh
Shieh, declarant

APPENDIX F

DECLARATION OF LIANG-HOUH SHIEH

I, LIANG-HOUH SHIEH, declare as follows:

1. This declaration is not intended to waive, but specifically reserves, the attorney-client privilege, attorney work product, right to privacy and trade secret.

2. I have personal knowledge of the facts contained herein, and if called upon as a witness, I could and would competently testify under the law applicable to me.

I. ARE JUSTICES OF DIVISION ONE HONEST IN IN RE SHIEH ?

3. The Published Decision of

August 12, 1993 by Justices of Division One, the Court of Appeal (17 Cal. App. 4th, 1165) (hereinafter "AD") was based on false allegations created by Division One. The following are some of the false allegations.

4. "Shieh currently has outstanding in the trial courts $305,326.90 in unpaid sanctions in five separate cases ". (p. 26) This is the most outrageous lie. I have never been sanctioned for that amount or half of that amount. This lie has resulted in Honorable Cox's dismissal of the David action, because Spencer is his "boss." (Reporter Transcript, at 4, lines 24-25).

5. "At the request of Shieh's counsel, the matter was advanced to July 27." (p. 2) This is absolutely false. In

fact, my counsel's request for two extensions of time were denied by Division One. My right was deprived by Division One.

6. "Over the past two years, Shieh has filed innumerable complaints in the federal and state courts, many of which are duplicated and most of which are based on substantially similar facts." (p. 2). I did not file innumerable complaints. None of them are duplicated. The facts are not substantially similar.

7. Justices have misled the public by using "Shieh", instead of "Shieh's counsel".

8. "He [Shieh]. . .ha[s] been sanctioned . . . for pursuing frivolous writ petitions." (p. 2). False. Division

One's order is frivolous. All writ petitions filed by my lawyers are meritorious.

9. "In short, Shieh has yet to prevail in this Court or in the lower courts." In fact, Shieh has prevailed on one appeal in Araiza v. Shieh, et al., B063376 in the Court of Appeals, and has settled two cases in Shieh v. MacMurrary, NEC 51011, B060448, and Shieh v. First National Bank of Wilmington, et al, NEC 51012 and received the payment of a certain amount of money for the settlement.

10. "Shieh had filed a federal action entitled Shieh v. Ebershoff . . . . Apparently, the action was dismissed some time prior to January 12, 1993, the date on which the court ordered the inclusion

of attorneys' fees of $125,421.49 in favor of the Graham & James defendants and $37,236.67 in favor of the Fulbright & Jaworski defendants included in the costs." Id., at 8, fn. 1. False. The federal court did not dismiss that action. The action is still pending in the federal court. Spencer's statements are false, a misrepresentation and are prejudicial to my case which has been pending in the federal court of appeal. Spencer simply intended to put me in a false light in order to declare me a VL. She conspired with Turner to declare the Company a VL by creating folded lies to the public. Further, Shieh's lawyer, not Shieh, filed the Ebershoff state and federal actions.

11. I did not act "in propria persona as a co-counsel" in Ebershoff II (BC 061170), as falsely stated by Spencer

(In re Shieh, at 8). I have been represented by lawyers in that Action at all times. I have never been in the courts, have never communicated with opposing parties/counsel, have never conducted discovery.

12. "On February 18, 1993, the superior court . . . ordered that security be posted in the sum of $ 150,000." (p. 14). This is false and inaccurate by more than $900,000. Spencer intended to cover up the outrageous and unconstitutional orders. The sum was more than $1.05 million in Ebershoff II as far as I have calculated.

13. "It is clear this massive complaint in Shieh v. Ebershoff is simply Shieh's version of the same events recounted in Fulbright & Jaworski's

complaint in the instant matter." Id., at 14. False. The complaint is true in all aspects based on the materials and information available to me and my lawyers.

14. "[T]he allegations made against the remaining defendants are substantially similar in character and content. On March 30, 1993, Shieh filed what is, minus the allegations of RICO violations and civil rights violations, essentially an identical complaint in Say & Say v. Miller (Super. Ct. Orange County, 1993, No. 707971, dismissed July 7, 1993)." Id., at 14. This is false. The complaint in the Miller case has new and different facts and causes of action, and is different from the original complaint of Ebershoff II.

15. "He has been ordered to demonstrate that the appeal has merit or face its dismissal." Id., at 14, fn. 2. At that time, there was no such order in Ebershoff II appeal.

16. "Shieh has filed similar complaints based on substantially similar facts in Shieh v. Christopher [citation]; Say & Say v. Castellano [citation]; Say & Say v. David [citation]; Say & Say v. Lindquist [citation] and Say & Say v. Layman [citation]. In the Christopher, Castellano and Layman cases, as in the Ebershoff case, Shieh acted in propria persona as co-counsel." Id., at 14-15. The complaints were not filed by me and were not "similar". I did not act "in propria persona as co-counsel", because I am/was represented by lawyers. I have been represented by lawyers in these cases and

have never been in the courts in these cases except on occasions that judges ordered me to appear as the counsel to my clients, over my lawyers' objections, the substitutions of attorneys were filed in these cases.

17. "In both the Christopher case and the Castellano case . . . 2 bonds for $100,000 each for the benefit of O'Melveny & Myers and Gibson, Dunn, & Crutcher jointly and for the benefit of Richard Tarlow." Id., at 17. This is false and misleading. The truth is that Kakita court ordered $100,000 per defendant on November 17, 1992, and subsequently. As a consequence, Kakita ordered approximately a $500,000 bond in Castellano case and more than a $40 million bond in the Christopher case.

18. "[W]e have ascertained that no final judgment had been filed in this case as of June 25. Accordingly, nothing in these appeals affects the vexatious litigant order." Id., at 17, fn. 5. Judge Kakita dismissed the Christopher case on June 3, 1993. The incompetency of Justice Spencer to ascertain the facts or her discriminating attitude is the reasons for her consistently illegal and unconstitutional decisions.

19. "Shieh . . . was adjudged in contempt. . ." Id., at 18. I was not adjudged in contempt.

20. "Judge Millard also declared Shieh to be a vexatious litigant, noting he was waging a 'campaign of litigation terror,' and District Court Judge Dickran Tevrizian likewise had declared Shieh a

vexatious litigant. That order is final." Id., at 18. This is false. Neither Millard nor Tevrizian has ever declared me a VL. I have never received any notice and they have no jurisdiction to declare me a VL. I am not a party in Chien v. Hathaway, et al., and I have no case before Judge Tevrizian.

21. "[T]his [Say & Say, et al. v. Layman, et al.] action involves facts substantially similar to those of the instant action [Fulbright & Jaworski v. Chien, PSJ and Shieh]." Id., at 19. This is false. In the Layman case, I and Say & Say sued Araiza, et al. for breach of professional duty based on attorney-client relationship. But in the FJ action, I am sued by FJ for the alleged malicious prosecution. Both cases are completely different.

22. "They expressed a desire to abandon that claim [RICO]". Id., at 21. This is false. Plaintiff only filed a request for "voluntary dismissal" so as to file the same claims in the state court. They did not abandon their claims. The case is on appeal. Spencer should not always use the lower courts' wrong decisions as the basis for her own erroneous decisions. She has to review, not to comply with, the lower court's decision.

23. "He [Shieh] had filed a groundless, wholly frivolous complaint with highly improper motives and had filed other documents for purely vexatious reasons." Id., at 22. This is false. All documents filed by my lawyers as they believed to be proper and legal,

otherwise, my lawyers would not file them. They are American trained American lawyers. I am not in pro per.

24. "Shieh has been declared a vexatious litigant in the United States District Court for the Central District of California and by two separate superior court judges in three distinct cases, all of which are based on facts substantially similar and make claims substantially similar to the facts asserted and claims made in the litigation underlying the Fulbright & Jaworski appeals." Id., at 23. False. The appeal in FJ action involves whether the trial court should stay, abate and/or dismiss the FJ complaint as two federal actions are pending, and whether the sanction against Shieh is proper. None of these two issues and facts are "substantially similar", but are "totally

different". Spencer simply wanted to declare me a VL even if I am a defendant, not a plaintiff, in the FJ action. The facts, the transaction and occurrence are different. Spencer has no jurisdiction to declare me a VL.

25. "Shieh's out-of-control litigation". Id., at 23. This is incorrect. It should state "Spencer's out-of-control orders and behavior" which are beyond the boundary of the VL statute and the constitution as stated in my lawyers' complaint against Spencer. Spencer admitted her out-of-control order and behavior by admitted that "This case, however, breaks the mold." Id., at 24.

26. "It is apparent from syntax, grammar, style and tone that, both in the trial courts and in this court, many -- if

not most -- of the pleadings and other documents filed by Shieh or on his behalf have been written by the same person. This is the case even though Shieh has filed many of the initial pleadings in propria persona and then associated in co-counsel or substituted in a variety of replacement counsel, some of whom in turn become defendants in new litigation Shieh initiates. It is patently obvious that every writ petition, notice of appeal, appellant's brief and opposition to orders to show cause filed in this division has been drafted by the same hand, even though Shieh ostensibly has appeared in propria persona and through two separate attorneys, Guy Rollins and James L. Andion." Id., at 24. Totally false. As stated in the declaration of M. Ma and G. Li as well as the declaration of James L. Andion, the pleadings filed with Division

One were drafted by M. Ma and G. Li and Mr. Andion's other foreign assistants. I was born and educated in completely different places than M. Ma and G. Li. The syntax, grammar, style and tone could not be the same.

27. "In short, it is clear that Shieh does not engage attorneys as neutral assessors of his claims, bound by ethical considerations not to pursue unmeritorious or frivolous matters on behalf of a prospective client. [citation]. Rather, these attorneys who ostensibly 'represent' Shieh serve as mere puppets." Id., at 24-25. It sounds like the admissions of Justices of Division One on their unethical conduct. It sounds that these justices are mere puppets of Highberger and other Caucasian lawyers. If my lawyers are my puppets, why did Richard Tarlow

conspire with GDC and OMM to abandon my cases for approximately four years? Why did my former lawyers Castellano, Araiza, Hollingsworth, Rusch and Miller acted as "puppets" of William Highberger of GDC to file lawsuits against me and to file false declarations to mislead the California courts and the federal courts to make erroneous decisions. I am a foreigner. More than 20 of my lawyers are Caucasian lawyers, born and raised in the United States. I had never met with them, except D. Miller, before the retainer agreements meeting. They are not as stupid as Spencer may have thought. While, Tarlow, Araiza, Castellano, Hollingsworth, Rusch and Miller are unethical, they are puppets of William Highberger of GDC, a Caucasian lawyer working in the large, rich, influential Caucasian law firm, not mine. Castellano and Hollingsworth in their

declarations have admitted that they have communicated with Highberger on a daily basis to accept Highberger's instruction. This never happened to me.

28. Unfortunately, this uncivilized decision was produced by the alleged civilized country, the U.S.A.

II. ARE JUSTICES OF DIVISION FIVE HONEST IN SAY & SAY VS. EBERSHOFF ?

29. Justices of Division Five acted as a copy machine to copy the false allegations contained in In re Shieh, and to create false story, to circumvent the law and the constitution.

30. "On December 11, 1992, Mr. Shieh was again found to be a vexatious litigant in Los Angeles Superior Court

case No. BC054981 by Judge Kakita." DD, at 6. Totally false.

31. (1) "Mr. Shieh continued to file lawsuits almost exclusively naming lawyers as defendants. Virtually every lawsuit involved attempts to re-litigate Mr. Shieh's claims against various lawyers and law firms. In re Shieh" DD, at 6-7. Totally false.

(2) The lawsuits "Shieh's counsel", not "Shieh", filed or maintained were totally different each other in terms of causes of action and facts. There was no re-litigation at all. CCP §391.2 and all applicable authorities allow the filing of new litigation with new facts and new causes of action, because the determination of VL is not on the merit and the dismissal is without prejudice.

32. (1) "... he also consistently joined Say & Say, Inc. as a plaintiff, along with himself." DD, at 7. Not true.

(2) Say & Say independently decided to be one of the plaintiffs in the independent grounds, in order to save attorney fees by not maintaining two separate actions. I did not join the Company. I am represented by lawyers. By using "Shieh" instead of "Shieh's counsel", Div. 5 lied to the public that I am in pro per and I made the decision.

33. "Finally, we have carefully considered the due process rights of Say & Say, Inc. to have its cases determined by a "'neutral and detached judge in the first instance'..." [citation] Its federal suit is frivolous and no member of this court will undergo the slightest potential

liability. Not only have we always acted appropriately towards Say & Say, Inc., but we are immune from any tort liability." DD, at 9, fn. 8. False.

34. (1) "Mr. Shieh adopted the practice of joining Say & Say, Inc. as a plaintiff in lawsuits." DD, at 10. This is contrary to the truth.

(2) In December, 1991, the Law Office of Gary Hollingsworth first filed the complaint on behalf of the Company, and named Luu and me as two additional plaintiffs in Say & Say, Luu & Shieh v. Layman, Araiza, CV. 91-6690-JGD (TX). Why Turner did not declare Luu a VL's because she is very close to Highberger?

(3) This action arose from Araiza's breach of the retainer agreement with the Company. The federal court

declined to exercise jurisdiction over the state action. The Company was forced to file the state action with the state court in Say & Say, L. Shieh v. Araiza, Catellano, et al., BC 059833, within 30 days after the dismissal for preserving the statute of limitation.

35. (1) "The following constitutes the pertinent evidence concerning the corporate nature of Say & Say, Inc. presented to us." DD, at 11. False.

(2) First of all, all declarations were apparently prepared and directed by Highberger. Compared Defendants' Request For Judicial Notice ("DJN"), Araiza' Declaration, at 69-71, and other declarations, at 51 (Hilda Liu), 60 (Grace Chow), 66 (Monica Cheang), 73 (Yvonne Luu), 80 (Ivy Yuen), and 87 (Ivy

Yuen's false memorandum).

(a). Araiza's Declaration bears Severson & Werson's name, address and telephone. All other declarations do not.

(b). All other declarations bears a stamp "RECEIVED JUL 6 1993 SEVERSON & WERSON," but Araiza's declaration does not.

(c). The computer and printer are different between Araiza's declaration and all other's declarations.

36. (1) "Mr. Shieh told a paralegal he would 'control the corporation' and to 'create a barrier'." DD, at 11. False.

(2) I have <u>never</u> told any one that I would control the Company and to create a barrier.

37. (1) "Mr. Shieh stated that he used his wife's name in connection with the corporation to mask his participation and because he did not want to appear as the owner of the corporation." DD, at 11. False.

(2) I have never said so, as explained before.

(3) Div. Five has made up a false story. At the request of Div. Five, defendants submitted three of my letterheads. DJN, at 63, 78 and 86. While the letterheads were stolen or forged, the letterheads did state that I am practicing law in the State of California and in the ROC. The letterheads prove that Gary Hollingsworth and Francisca Araiza are my "counsel", not employees.

38. (1) "Despite the fact that the corporation allegedly had its officers at 301 Lake Street in Pasadena, it was not

listed on the building directory." DD, at 11. Folded lies.

(2) The Company has never listed its office at "301 N. Lake Ave." Accordingly, the Company was/is not listed on the building directory. During the relationship between the Company as well as its counsels Araiza (3/2/91 - 6/18/91), Hollingsworth (7/8/91 - 1/17/91), and Araiza's and Hollingsworth's secretary and officer manager Yvonne Luu (5/91 - 1/17/92), and other paralegals (all ended in 1991 and in or about 1/17/92), none of the Company's counsels and the counsels' paralegals have ever occupied Suite 720, 301 N. Lake Ave., Pasadena.

39. (1) "The corporation operated in Mr. Shieh's offices." DD, at 11. False again.

(2) The Company has never

operated in my office or in my home. The Company is absolutely independent from me. The Company has never had any office in San Marino or Pasadena. The Company, as an import-export corporation, has never authorized any of the above alleged secretaries, paralegals or lawyers to open its business mail or to conduct its import-export business as stated in each and every Independent Contractor Agreements. See, e.g., D's JN, at 92-136. Accordingly, the allegations by Div. Five are folded lies:

(a). "A secretary and a paralegal never saw any letterhead bearing the name of or other documents addressed to Say & Say, Inc."

(b). "None of the employees of the corporation or Mr. Shieh had ever heard of the president of the entity, K. L. Hung." DD, at 11-12. Neither

the Company nor I has ever retained them as employees. The Company's employee is in R.O.C., not in Los Angeles.

(3) (a). "The corporation has several employees some of whom were lawyers." DD, at 12.

(b). As rebutted above, they were not employees of the Company, but independent contractors. See D's JN 92-136. This court should order Araiza and Hollingsworth to testify that if they have ever presented to the court or outsiders that they were employees of the Company and they used the Company's letterhead to send out letters. In fact, they operated as Law Office of Francisca N. Araiza and Law Office of Gary Hollingsworth. Araiza has admitted in several occasions that she is an I.C., in her letters to me and in her pleadings. Hollingsworth has admitted in his tax

court application he is Company's I.C. Furthermore, none of the IC are my employees, they have never used my letterheads either. While these defendants claimed that they work for "Shieh & Shieh", they have never used such letterheads. Some IC alleged that they were employees of the "Law Office of Liang-Houh Shieh", instead of "Shieh & Shieh". Their inconsistent declarations about the same fact prove their falsity.

40. (1) "The only person with the authority to pay his own or corporate employees was Mr. Shieh and he had the sole power to hire and fire personnel. The lawyers who were employed by Say & Say, Inc. were all supervised by Mr. Shieh and their contracts provided he was to review all of their work." DD, at 12. Folded lies again.

(2) I have never payed "his own". The Company does not have employees in Pasadena. I do not have sole power to hire and fire personnel.

(3) I do not supervise the Company's lawyers. All notes presented have nothing to do with the Company. A client, as the Company and I, only review if the facts in the pleadings are correct (if I have time and if it is possible), but does not supervise the lawyers. The contract does not provide that I review "all of their work". Instead, the Company appoints different persons to make sure that the facts are correct. The Company's reviewers may not have time to review the work, and each of the Company's lawyer is solely responsible for his/her work. See Section 1.3 of the Retainer Agreement. DJN, at 95.

41. (1) "According to a paralegal who was employed by Mr. Shieh, not the corporation, her employer personally reviewed all work leaving the office." DD, at 12. False.

(2) As stated above, the declarations relate to other matters, not relate to the Company.

42. (1) "Employees stated under oath that `Say' was an Anglicized version of `Shieh'." DD, at 12. False.

(2) Appellants are Chinese and are very tired about such lies. Why is Div. 5 not tired? In Chinese and English, "say" and "Shieh" are totally different both in meaning and pronunciation, the former means "speak" and the later means "thanks".

43. "The person designated as

the agent for service of process for Say & Say, Inc. did not reside at the address listed with the Secretary of State. The residence was occupied by a person who rented the home from Mr. Shieh." DD, at 12. This is, again, false.

44. (1) "Despite the fact the corporation was used to provide legal service, it was listed with the Secretary of State as an export-import firm. All of the employees at the 301 Lake Street address were involved in providing legal services. Furthermore, when two of the employees filed claims concerning unpaid wages against Mr. Shieh, he argued they were employees of Say & Say, Inc. Neither of the employees had ever been employed by Say & Say, Inc." DD, at 12. This is totally a lie.

(2) The Company has never

involved in legal practice, and the Company in not located in the said address. No invoice and no bills were ever issued to anyone in the world, and no payment was ever made to the Company, for alleged legal service.

45. (1) "Furthermore, when two of his former employees filed claims concerning unpaid wages against Mr. Shieh, he argued they were employees of Say & Say, Inc. Neither of the employees had ever been employed by Say & Say, Inc." DD, at 12. This is totally false.

(2) I have <u>never</u> stated that they were employees of Say & Say. In fact, the Labor Commissioner, State of California has made a decision that "Say and Say, a corporation was not the employer", for any lawyers and any paralegals who filed the false

declarations, and who filed the complaint with the Labor Commissioner. This court is requested to take judicial notice on the three lawsuits filed by Hollingsworth, Castellano, and Luu. See, Hollingsworth v. Shieh,Case No. 93K29255; Castellano v. Shieh, Case. No. 93K29256; and Luu v. Shieh, Case. No. 93K29257.

(3) All people who filed false declarations, except Araiza, claimed that both the Company and me were their employer. Such conflicted declarations prove the falsity. They could not possibly work for two different entities for the same work on the alleged full time basis. Moreover, the Labor Commissioner has dismissed Hilda Liu's complaint, who alleged both the Company and Mr. Shieh were her employer. 24D AA 10043.

(4) Yvonne Luu falsely alleged that she issued checks for all

lawyers are false. She was under the direction of Gary Hollingsworth to issue check to Hollingsworth's paralegal.

46. (1) "On two occasions, there have been judicial determinations that Say & Say, Inc. and Mr. Shieh are the alter egos of one another. In the decision In re Shieh, [citation], the court noted, 'Say & Say is a corporation owned and controlled solely by Shieh." DD", at 12-13. False.

(2) First, in In re Shieh, the Company is not a party, how could the Company be declared as an alter ego of Shieh? Turner, Grignon and Armstrong have fully knowledge that justices in Division One are discriminatory and hostile against the Company and me, they intentionally copy their lies and falsely present such lies to the public. On what basis, Div.

One falsely stated that "Say & Say is a corporation owned and solely controlled by Shieh." They have never seen any stock certificate or any ownership documents. How could they lie to the public?

47. (1) "In the decision of In re Shieh, [citation], the court noted that he has been unable to pay $305,326.90 in sanctions." DD, at 13. False.

(2) I have never been sanctioned for $305,326.90 or a half amount. Div. 1 has never "noted" that I am unable to pay.

48. (1) "The foregoing recitation of the factual and procedural history of Mr. Shieh's misconduct and his use of Say & Say, Inc. to continue his persistent misuse of the litigation system would at first blush appear to be a

problem the vexatious litigant law cannot resolve." DD, at 13.

(2) As aforementioned, all of the recitations are false.

49. (1) "The lawsuit resulted in a substantial judgment against Mr. Shieh." DD, at 11, fn. 9. False.

(2) As a copy machine, they only copy defendants' false documents. With respect to Appellants' pleadings, they only see the last page of the pleadings to see how many pages of the brief and the AA. My counsel has filed a motion to vacate default and default judgment. FJ filed no opposition. There was no judgment against me.

50. (1) "The purpose for which the corporation was formed was to protect Mr. Shieh from the consequences of

litigation. All of the conduct of the corporate employees was subject to Mr. Shieh's personal supervision. There was a disregard of corporate formalities. Employees of Mr. Shieh would work with attorneys who were employed by the corporation. There is no evidence of any separateness between the conduct of Mr. Shieh and the manner in which he conducted his activities at 301 South Lake Avenue and those of the corporation." DD, at 19.

(2) The entity was planned to be formed in or about 1988, approximately three years before any alleged events occurred.

(3) In December, 1988 and September 1989, I met with K. Hung in ROC. In 1990, I have also met with K. Hung several times in ROC, including April, May, September, and October (and/or November), 1990. I have met with K. Hung

at least twice per year subsequently.

(4). Several names were used to check the name availability with the Secretary of State of California. The names includes: "Say & say", "Speak & Speak", "S & S", "Super & Super", "Same & Same", etc. Only two names could be checked with Secretary of State. "Say & Say" was available.

(5) The Company does not want to pay expensive attorneys' fees to large and expensive law firms. Thus the Company did not retain LDBB in 1989-1990 or FJ in 1991. Because the international mail would take two to three weeks from U.S.A. to R.O.C., and from R.O.C. to U.S.A., if there is no unexpected delay, the Company asked C.R. Yuan to sign the Articles of Incorporation, dated February 2, 1991, so

that the Articles of Incorporation would be filed any time without any delay.

(6) [1] In Andrew Castellano's declaration, dated October 6, 1992, entitled "declaration of Andrew Castellano In Support of Motion of Gary Hollingsworth For An Order Requiring Plaintiff Liang-Houh Shieh To Furnish Security As A Vexatious Litigant" ("Castellano Dec. Supporting Hollingsworth VL Motion") for the VL motions hearing "Dated: October 26, 1992" before Kakita, Castellano admitted that "the corporation [Company] was owned by Taiwanese Commercial Interests." 24D AA 10031, line 10 - 11. (Emphasis added). Castellano also admitted "that it [the Company] was not involved in any illegal or fraudulent activities." Id., line 11 - 12 (Emphasis added).

[2] Castellano further admitted that "I never saw any . . . invoices . . . bearing its [the Company's] name." 24D AA 10032, lines 19 - 21." Castellano admitted that the Company has never billed anyone for the alleged legal service, but others filed different and false declarations.

[3] Except the foregoing, the remaining declaration of Castellano is false.

51. (1) "We conclude the only purpose for which this has been done is to evade the effects of the vexatious litigant law." DD, at 20. This is false.

(2) Div.5 should ask themselves if the Company is not a co-plaintiff, but filed a separate action, will Div. 5 issue the same order? That would be very ridiculous.

52. "Mr. Shieh and his corporation. . .." DD, at 20. This is false again.

53. "It would be inequitable to allow Mr. Shieh to utilize Say & Say, Inc. to continue with his misuse of the litigation process directed at members of the legal community." DD, at 20. Finally, Div. 5 admitted that what they concerned are their Caucasian lawyers.

54. (1) "[W]e conclude that Say & Say, Inc. has been used to circumvent section 391 et seq." DD, at 20. Absolutely false.

(2) The vexatious litigant was used by Div. 5 and Div. 1 to stop non-Caucasian litigants' constitutionally and federally protected rights.

55. "It is now subject to a pre-

filing order in all of the courts of California. " DD, at 20. Div. 5 has no jurisdiction over the California Supreme Court and small claim court.

56. "10 days" is illegal and unconstitutional; as §391.7 (b) and (c) do not apply to "appeal" and to the "Company" which is represented by counsel.

57. (1) "Mr. Shieh had been discharged by the law firm of Fulbright & Jaworski, was in litigation because of the termination, and he desired to use the corporation in 'order to keep up the pretense of not being able to practice law'. It was only after the law firm of Fulbright & Jaworski sued him that Say & Say, Inc., was formed." DD, at 11. A lie.

(2) As aforementioned, this is a totally frivolous and outrageous lie.

58. (1) "The corporation operated in Mr. Shieh's offices. A

secretary and paralegal never saw any letterhead bearing the name of or other documents addressed to Say & Say, Inc. Nobody ever called the offices asking for Say & Say Inc. None of the employees of the corporation or Mr. Shieh had ever heard of the president of the entity, K.L. Hung." DD, at 11-12. Totally false and irrelevant.

(2) First of all, the Company's office is not at 301 N. Lake Ave. and the Company's principal address is not at my offices; secondly, the Company does not operate in my offices; thirdly, whether or not the paralegal saw any mail directed to the Company is irrelevant to the matter, as the Company's officer is not in Pasadena.

(3) Since the paralegal worked in the law offices of the attorneys (Castellano, Araiza, Hollingsworth, etc.),

how can he/she handle or know the mail of Say & Say? The paralegal did not work for Say & Say for import-export matters, but work for Castellano, Hollingsworth, Araiza, and other attorneys for legal matters.

(4) The paralegals worked in the law offices of the attorneys, not in Say & Say, Inc., their statements that they never saw any letterheads bearing Say & Say and that nobody ever called their offices for Say & Say only demonstrate that Say & Say and law offices are separate, and are not in the same locations.

59. "Virtually every lawsuit involved an attempt to re-litigate Mr. Shieh's claims against various lawyers and law firms." (The Published Decision, December 16, 1993, page 7). This is false.

The truth can be found from the causes of action and facts contained in those complaints.

60. "Mr. Shieh and Say & Say, Inc. regularly sue judges. . .." (p. 9). False. While Spencer alleged that three district court judges and Millard declared me a VL, my lawyers did not sue them. Shieh's and the Company's attorneys only filed two complaints in the federal court against the most unethical and out-of-control judges/justices for declaratory and injunctive relief.

61. I have <u>never</u> told any one that I would control the corporation and to create a barrier. (p. 11).

62. I have <u>never</u> stated that I used my wife's name "to mask " my

participation. (p. 11).

63. The Company has never been incorporated "in order to keep up the pretense of not being able to practice law. It was only after the law firm of Fulbright & Jaworski sued him that Say & Say, Inc., was formed." (p. 11). Totally false. The Company is one of my clients. I am only one of more than nine lawyers for the Company. The Company's lawyers are litigators. I am not. I and my wife have never owned any corporation in the world. We have never served as officers, directors or managing agents of any corporation in the world. Furthermore, the Company was formed approximately six months or one year before Fulbright & Jaworski sued me. This court's allegation that the Company was incorporated to circumvent the statute and for the purpose

of litigation is totally groundless and is unsopported by the facts.

64. All the allegations at page 11 to 12, paragraph 2, are false or irrelevant to the matter whether a corporation is a vexatious litigant.

65. "When two of his former employees filed claims concerning unpaid wages against Mr. Shieh, he argued they were employees of Say & Say, Inc." (p. 12). This is totally a lie. I have never stated that the said people were employees of the Company. In fact, I was not served with summons and complaint, and I did not attend the said Labor Commissioner hearings. The attorneys and the paralegals are independent contractors, not enployees, of the Company, as evidenced by the Confidential Agreement between the

Company and its attorneys and paralegals.

66. The quotation of In re Shieh that the Company was totally controlled by Shieh is totally false. As I said, I have no interests in the Company and I have no control over the Company. Under no circumstances, does the Company meet the requirements for an alter ego, or for a vexatious litigant.

III. DIVISION 1'S FALSE DECISION

67. The allegations in Division One's decision, filed on June 30, 1993, are totally false. Say & Say, et al v. Superior Court (Castellano, et al., real party in interest), B074229, BC054981. (June Decision).

68. "Say & Say is an entity

controlled solely by petitioner Shieh." (p. 5). This is totally False. Justice Spencer does not have any evidence.

IV. FALSE DECLARATION FILED BY DEFENDANTS

69. I have reviewed the declarations of Francisca N. Araiza, Gary Hollingsworth, Andrew Castellano, Hilda Liu, Yvonne Luu, Grace Chow, Ivy Yuen, etc. Their declarations are false. There are too many false allegations to be named here. The attorneys and paralegals are not my employees, or employees of the Company. The declarations concerning some of minor events do not relate to the Company. They might be related to others of my clients.

70. My father passed away on or about December 24, 1991. I was out of country from the end of December, 1991 to

January 8, 1992. Attorney Castellano, as a new and inexperienced attorney, worked with attorney Hollingsworth very closely, and under Hollingsworth's supervision. The pleadings and papers were sent out without my knowledge. Gary Hollingsworth's work was generally reviewed by more senior attorney. The senior attorneys have more experiences and as I am not a litigant. I cannot control any of my atorneys. For example, Mr. Hollingsworth refused to appear in one very important hearing on one of my clients, not the Company, which resulted in unfavorable result against my clients. Hollingsworth also withdrew two motions in Araiza v. Shieh and Luu in the last minute before he suddenly abandoned all of my cases. These prove that he has done whatever he wants to without my knowledge and consent.

71. In fact, it is absolutely impossible for me to review or supervise all legal and non-legal matters as falsely alleged by these declarations. I don't have time. I am not a litigant. The Company has other reviewers.

72. As stated in my previous declaration, I am not a litigant and I am not familiar with all sections of the California Code of Civil Procedure.

(1) As a business and international lawyer, I have never heard the vexatious litigant statute prior to defendant Highberger's and his conspirators' motion regarding VL filed in or about September, 1992. I have never intended to form a corporation for any improper purpose, particularly the purpose of avoidance of the VL statute.

(2) The Company was incorporated

in or about February, or May, 1991, and approximately one year and six months before defendants filed the VL motion, and two years before Fulbright & Jaworski filed a complaint against PSJ, Chien and their counsel.

(3) I have relied on my lawyers to review the documents and to prepare the documents. I don't understand the extent and scope of the consequence of the VL motions, until recently, when the first new litigation was dismissed and when the first appeal was dismissed in or about July, 1993.

(4) As stated in Hung's declaration, I am not an incorporator. My wife is not a real incorporator. Hung and my wife are laymen. They have <u>never</u> heard of the VL statute. They, naturally, <u>never</u> intend to avoid the VL statute.

I declare under penalty under the law of California that the foregoing is true and correct.

Executed in the County of Los Angeles, State of California, on December 30, 1993.

Liang-Houh Shieh,

Declarant

APPENDIX G

DECLARATION OF JAMES L. ANDION

I, James L. Andion, declare as follows:

1. I am duly licensed to practice law in the State of California, and am the attorney of record in the within action.

2. I have personal knowledge of the facts contained herein. If I am called upon as a witness, I could and would comptently testify thereto. This declaration is not a waiver of anything, but all rights and privileges are specifically preserved.

3. I am not employed either by Say & Say, a California corporation or Mr. L. shieh. I work for Say & Say, a California corporation, as an independent contractor.

4. I am not supervised by Mr. Shieh or anyone else. I have several foreign

assistants to assist me. I review and finalize all pleadings filed in the courts; I do my job as independently as any of the Company's attorneys do.

5. Division One Justice Vaino Spencer in In re Shieh wrongfully declared me and all other attorneys of Say & Say and Mr. Shieh as puppets of Mr. Shieh. This is not true, and this Court should not rely on such groundless allegations in making its decision.

6. I filed the appeal in the within action in a faithful belief that my client has a reasonable probability to prevail over opposing party, and the appeal is meritorious. I don't have the intent to and I did not file the appeal for any improper purpose.

7. I have filed the "Opposition To Order

To Show Cause Re: Vexatious Litigant", dated November 16, 1993 ("Opposition"), along with Say & Say's declaration, dated August 9, 1993, and other Appellants' Appendix. The Opposition clearly disputed all legal and factual allegations.

8. In the hearing as to why Say & Say should not be declared a vexatious litigant, I did dispute (1) the principal cited by Div. 5, and (2) there was no evidence the Legislature intended the vexatious litigant statute not to be applicable to an entity. It is my belief that in reference to the language and definition of the vexatious litigant statute, this statute is noly applicable to a natural person, not including an entity. It is my understanding that is the legislative intent as clearly evidenced by the plain language of the statute.

9. On or about December 7, 1993, the justices in Division Five said something like: how do we completely stop the Company and Shieh from accessing to the courts? Send Shieh to jail?

10. On or about December 21, 1991, Justice Spencer asked me how long I have practiced law. She also made insulting remarks evident from the record. I explained to her that I have practiced law for more than 15 years and that I have substantial experience in "alter ego" and "piercing the corproate veil". I explained to her that I have represented multinational corporations. I am a law graduate from the University of Michigan in Ann Arbor. I was a Fulbright Scholar in Latin America. I was president of the Kiwanis Club of Los Angeles. Justice Spencer was also discourteous in interrupting arguments which I sought to make before I completed

even one sentence of opening argument. Justice Spencer was also discourteous in the previous hearing in other matters.

I declare under penalty under the law of California that the foregoing is true and correct.

Executed in Los Angeles, California, on January 3, 1994.

signature

James L. Andion

Declarant

APPENDIX H

DECLARATION OF JAMES L. ANDION

I, James L. Andion, declare as follows:

1. I have personal knowledge of the facts contained herein. If I am called upon as a witness, I could and would competently testify thereto. This declaration is not a waiver of anything, but all rights and privileges are specifically reserved.

2. At the present time, my law office represents many of my own clients in addition to Say & Say, a California corporation (the "Company"), Mr. Shieh, Ching Luen Enterprise, PSJ corporation, Percy Chien, and Mr. Shieh's clients. My principal business is not in Pasadena.

3. On August 18, 1993, I

attended a hearing as a witness in Mr. Shieh's former counsel, Donald Miller's samll claim court case against Say & Say, a California corporation, et al. I saw Mr. William Highberger obtained a copy of the Strictly Confidential And Privileged Agreement, dated December 28, 1992, between the Company and Mr. Miller, and other documents, from Donald Miller. When the commissioner asked Mr. Highberger why he was there, Mr. Highberger said that he is an interested party. Mr. Highberger was also in the hearing of August 5, 1993 in Wesley Rusch's small claims court's action against the Company, et al. Mr. Rusch was Mr. Shieh and the Company's former counsel. Mr. Highberger was also in the hearing of July 29, 1993, in Say & Say, et al. v. Castellano, et al., BC059833, where he and his clients are not parties in that action and there is no hearing scheduled on that day for him or his clients.

4. My Law Office also assists the Company to handle some non-litigation matters. The allegation that the Company does nothing but litigation is completely false. The Company is not an alter ego of anyone, including Dr. Shieh. The Company, just as any other company in the United States, has the right to retain lawyers to assist it.

5. This Law Office has represented Mr. Shieh in or about February 1992, more than one years ago. I have seen the Law Offices of Richard Hopkins, Law Offices of Lance Haddix, and Law Office of Lucien Schmit representing Dr. Shieh. It is impossible that all of Shieh's lawyers are puppets of Dr. Shieh. I have seen some of Shieh's lawyers' pleadings, they were written by American lawyers because their English is perfect and their legal authorities are good. Dr. Shieh is unable

to write such English. As a matter of fact, one of Shieh's lawyer's appeal was successful in Division Two, in Araiza v. Shieh, B063376. During the period of my representation of the Company, Mr. Shieh and Mr. Shieh's clients, my office did the research, prepared and filed the documents.

6. (1) Many of my clients are foreigners and English is their second or third language.

(2) The documents and latters presented to the court and to the opposing parties were prepared by me and by my office. At the present time, I have al least six (6) lawyers and legal assistants to do research and to prepare documents for me. Because English is their second language, they do not write English as well as some American lawyers. Because of the pressure, I am uanble to correct

all grammatical mistakes or typographical errors. I symphasize with them, but, at the same time, I am proud of their ability and dignity. They are much more ethical, courteous, and qualified than many opposing counsel. Nevertheless, the documents were prepared by my office, and not by Dr. Shieh.

(3) I have many years experience in working with foreigners and foreign lawyers. First of all, their birth places and basic legal education are completely different from Dr. Shieh's. Second, int the United States, they attended different law schools and received different legal education than Dr. Shieh. Third, Dr. Shieh has practiced law in the United States for oevr ten years, and has become a partner in two major law firms. Accordingly, my legal assistants' "syntax, grammar, style and tone" are different from Dr. Shieh's. The

inability of Division One of the Court of Appeal (Second Appellate District) to differentiate them is inexplicable just as the inability of Division One to differentiate between the plain language of the vexatious litigant statute and the false allegations of the opposing parties. Such inability to identify the difference between different work product does not make the facts change--Dr. Shieh is not in pro per. All declarations and pleadings, if any, of Dr. Shieh were prepared by his lawyers or edited by other American. There is no way to discover his real "syntax, grammar, style and tone."

(4) I have many other clients to serve. Nevertheless, I have spent many hours to draft, review, and revise the pleadings, and double check the accuracy of facts and legal authorities in the pleadings. I ahve often worked through midnight and weekends in order to meet the

deadlines. Without my assistants, it is impossible for me to handle all cases on my own. Those cases require at least 70 working hours per day and at least 420 hours per week. With sixteen years experience as a native American lawyer, I am unable to handle all cases for all my clients on my own.

7. It is impossible for Dr. Shieh to do research, and to prepare many documents, because he has more than 100 clients and 1,000 potential clients to contact and to serve, as well as he has to travel to foreign countries. I have never seen Dr. Shieh to research. In fact, he has forgotten the way to do research in Westlaw and Lexis.

8. The allegations that Dr. Shieh prepared the documents for my signature is false. My law oofice

dunctions the same as other law firms in that clerks, paralegals and junior lawyers prepare documents for senior lawyers' review, modification and corrections.

9. The allegation that Dr. Shieh was sanctioned in an amount of more than $300,000.00 is also false. Many cases are not Dr. Shieh's cases.

10. Al all relevant times, Dr. Shieh was/is represented by at least two lawyers. Opposing counsel's inconsistent accusations that Dr. Shieh is in pro per is untrue. Opposing counsel alleged that Dr. Shieh's lawyers work for him on a full time basis. Opposing counsel also alleged that Dr. Shieh prepared all documents for their signatures. Both allegations are incorrect.

I declare under penalty of perjury

that the foregoing is true and correct. Executed in Los Angeles, California, on August 20, 1993.

Signature .

James L. Andion

APPENDIX I

DECLARATION OF K. HUNG

(Say & Say, a California Corporation)

I, K. Hung, declare as follows:

1. I am the President of Say & Say, a California Corporation ("Company"). This declaration is not intended to waive, but specifically reserve, the attorney-client privilege, attorney work product, privacy right and any other rights and privileges, of the Company and all of the Company's legal counsels, agents, representations, shareholders, directors and officers.

2. I have personal knowledge of the facts contained herein, and if called upon as a witness, I could and would competently testify the law applicable to me.

3. I planned to form this Company since in or about 1990, long

before any litigation started. Attorney Francisca N. Araiza was retained as attorney for this Company to serve as an independent lawyer to form the Company and to serve as an independent lawyer to this Company. Attorney Araiza delayed the formation of the Company.

4. The Company has retained several lawyers to handle various legal matters. Mr. L. Shieh ("Dr. Shieh") is one of the several lawyers for the Company.

5. Statement about the Company is Dr. Shieh's alter ego is false. Among other things:

a. Dr. Shieh and his wife do not have any ownership in this Company since the date of the incorporation of this COmpany. Dr. Shieh and his wife have never been a shareholder, director or

officer of this Company or any company in the world.

b. Dr. Shieh, just as the Company's other lawyers, only advises this COmpany on legal matters. Dr. Shieh is a lawyer, not a businessman, and does not provide any adivice in business. He has absolutely no control over this Company's business. This Company is free to make any and all decisions, including, but not limited to, filing lawsuits against defendants in this action and in other actions.

c. There is no commingling of funds between this Company and Dr. Shieh. Dr. Shieh is separated from this Company both in interest and personality.

d. There is no such unity of interest and ownership between Dr. Shieh and this Company that the separate personalities of the corporation and the individual no longer exist.

e. If the acts are treated as those of this COmpany alone, no inequitable result will follow.

f. Dr. Shieh has never treated this Company's assets as his own, and this Company also has never treated Dr. Shieh's own assets as this Company's assets.

g. Dr. Shieh is not liable for this Company's debts.

h. Dr. Shieh has never used this Company as mere conduct for his own business.

6. From time to time, the Company's legal counsel reports to this Company in the United States and in Taiwan.

7. Francisca N. Araiza ("Araiza") abandoned her cases in or about June 1991. In or about July and December, 1991, as well as in or about January,

1992, defendants Andrew Castellano, Gary Hollingsworth and Wesley Rusch entered into an Agreement with this COmpany. They, too, suddenly abandoned their cases.

8. I have reviewed the declarations of Araiza, Hollingsworth, Castellano, Rusch, Hilda lIu, Yvonne Luu, Ivy Yuan, and other attorneys and paralegals in this Action and in other Actions. Their declarations are false, misleading and irrelevant. They were not employees of this Company or of Dr. Shieh. Araiza, in her letter to Davis S.Eisen, dated May 17, 1991, admitted that Yvonne Luu is her secretary. On her deposition, she stated that Yvonne Luu is a "stupid" person. Yvonne Luu should not blindly sign the declaration prepared by someone else where she knew is not true.

I declare under penalty of perjury under the law of the State of California and other applicable laws that the foregoing is true and correct.

Executed in Taiwan, Republic of China, on August 9, 1993.

K, Hung

APPENDIX J

APPENDIX

DECLARATION OF K. HUNG

(President of Say & Say, A California Corporation)

I, K. Hung, declare as follows:

1. I am the President of Say & Say, a California corporation ("Company"). This declaration is not intended to waive, but specifically reserve, the attorney-client privilege, attorney work product, privacy right and any other rights and privileges, of the Company and all of the Company's legal counsels, agents, representations, shareholders, directors and officers.

I. Not An Alter Ego

2. My counsels have communicated with me from time to time and

have provided me with many documents for my review, understanding and decisions. I have met with Attorney Liang-Houh Shieh ("Shieh") at least twice per year since late 1989 to discuss all legal matters, not import-export business. Mr. Shieh has never engaged in Import-export business, nor are any of the Company's other attorneys and paralegals (collectively "Independent Contractors" or "IC"). I have reviewed pertinent documents and always read the complete document. I have personal knowledge of the facts contained herein, and if called upon as a witness, I could and would competently testify under the law applicable to me.

II. The Falsity and Lies of The Court of Appeal's Decision

3. "On January 15, 1993,

various defendants, all lawyers or law firms, filed a motion to have Mr. Shieh declared to be a vexatious litigant". December 16, 1993, Division Five's Published Decision ("DD"), at 3. False.

4. (1) "On February 18, 1993, the motion was granted. Mr. Shieh was declared to be a vexatious litigant and required to post a bond pursuant to section 391.3". DD, at 3.

(2) This is misleading. Div. Five failed to inform the public that Judge Krieger declared Shieh a VL solely based on Kakita's false declaration, because Kakita's false declaration is subject to appeal.

(3) In Footnote No.3, Shieh was not declared a VL <u>again</u> by another superior court judge. The truth is that Kakita used his false declaration as a basis for CCP §391 (b)(4) declaration in

the same case, namely the Castellano case. Justices of Div. Five erroneously stated the numbers of VL declarations in order to mislead the public how many times Shieh was declared a VL. Div. 5 also informed the public, how many pages of brief and AA the Company submitted; but, Div. Five did not consider any of the Company's evidence and argument. As a matter of fact, all VL declarations were based on Kakita's first false declaration of November 17, 1992. CCP §391 (b)(4) was used unconstitutionally by Krieger, Spencer, and Turner in their uniformly discriminatory manner.

5. "We noted that Mr. Shieh had previously been found to be a vexatious litigant and was subject to a prefiling order pursuant to section 391.7, subdivision (a)." DD, at 4. This is based on a mistake of law.

6. "We issued a stay order pursuant to section 391.7, subdivision (c) as permitted by our opinion in Andrisani v. Hoodack (1992) 9 Cal.App.4th 279, 281." DD, at 4-5. This is based on a mistake of law.

7. (1) "Mr. Shieh was given 10 days to explain why the present litigation had merit pursuant to section 391.7, subdivision (b). A response was filed. On October 20, 1993, we concluded Mr. Shieh failed to demonstrate that the present litigation had merit. We further concluded that the present litigation was maintained for 'purposes of harassment . . . .' (§391.7 sub. (b).) Accordingly, we dismissed Mr. Shieh's appeal." DD, at 4-5. This was an erroneous ruling.

(2) The appeal was dismissed before Mr. Shieh's lawyer had any opportunity to respond. No response was

filed. Div. 5 has absolutely no basis to conclude that the appeal has no merit, and that the appeal was filed for "harassment". Div. 5 admitted, in Ebershoff State I, that it did not review or did not understand or did not want to understand Shieh's lawyers's pleadings. Div. 5 has never carefully reviewed Shieh's lawyers' pleadings.

(3) Footnote 7 does not authorize the presiding "justice" of the Court of Appeal to do anything. §391.7 (b) only authorizes the trial court's presiding "judge" to consider "new litigation". The words "judge" and "new litigation" are very clear.

8. "On December 11, 1992, Mr. Shieh was again found to be a vexatious litigant in Los Angeles Superior Court case No. BC054981 by Judge Kakita." DD, at 6. This is an erroneous ruling.

9. (1) "Mr. Shieh continued to file lawsuits almost exclusively naming lawyers as defendants. Virtually every lawsuit involved attempts to re-litigate Mr. Shieh's claims against various lawyers and law firms. In re Shieh" DD, at 6-7. This is untrue.

(2) The lawsuits and actions were filed and maintained by "Shieh's counsel", not "Shieh". Those actions were different from each other in terms of causes of action and facts. There was no re-litigation at all. CCP §391.2 and all applicable authorities allow the filing of new litigation with new facts and new causes of action, because the determination of VL is not on the merit and the dismissal is without prejudice.

10. (1) "... he also consistently joined Say & Say, Inc. as a plaintiff, along with himself." DD, at 7.

This is not true.

(2) Say & Say independently decided to be one of the plaintiffs in the independent grounds, in order to save attorney fees by not maintaining two separate actions. Shieh did not join the Company. 24D, AA, Say & Say Dec. Further, Shieh was represented by lawyers. By using "Shieh" instead of "Shieh's counsel", Div. 5 lied to the public that Shieh is in pro per and Shieh made the decisions.

11. The rest of the statements in DD are untrue and misleading. There are too many to name individually. None of the 12 cases are repeated and none of the 12 cases were filed by the Company or by Shieh in pro per.

12. (1) "[All] of whom were at one time employed by [OMM]." DD, at 8. This is untrue.

(2) Div. 5 wanted to mislead

the public that the defendants are employees of OMM. In fact, they are general partners who are jointly and severally liable. See, Id., at 8.

13. (1) "Mr. Shieh and Say & Say, Inc. regularly sue judges or justices who find them to be vexatious litigant. If we were to disqualify ourselves and this case were to be assigned to another division, suit would inevitably be filed against the new justices by Mr. Shieh and Say & Say, Inc. The consistent conduct of Mr. Shieh and Say & Say, Inc. is to sue judicial officers who find them accountable under the vexatious litigant statute." DD, at 9, fn. 8. Totally false.

(2) Spencer alleged that three federal judges and Judge Millard had declared Shieh a VL, but, Appellants did not sue them. If the OSC is determined by other justices, a "neutral and detached"

justice would have never issued this erroneous DD. Div. Five simply wants to cover up their erroneous rulings.

14. The "rule of necessity" (DD, at 9, fn. 8) does not warrant such result. There are seven divisions in the 2nd Dist., and many justices in other districts. There should be many justices who are not discriminatory. Because there is only one hearing, at most, or no hearing. Other districts can handle the company's cases. The Company does not need hostile, and discriminatory justice in both divisions. Div. Five's refusal to recuse themselves deprives Appellants' due process right to have "neutral and detached" justices.

15. (1) "[T]he purpose of the December 3, 1993, federal court suit was to force this court to disqualify itself. We have reviewed carefully the allegations

in the federal complaint. They are frivolous and are part of an effort to delay and frustrate the rights of defendants to have this litigation disposition. Under these circumstances, recusal may be inappropriate." DD, at 9. fn. 8. False.

(2) Justice Turner was originally named as one of defendants in the Kakita-Spencer case in the first draft in or about September, 1993 about two months before the OSC was issued. The Law Office of Lawrence B. Yang decided to separate "Kriger-Turner" case from "Kakita-Spencer" case because "Krieger-Turner" handled the Ebershoff cases, but "Kakita-Spencer" handled the Castellano case. The Separation of two cases would make cases clearer. After filing "Kakita-Spencer" case, attorney Yang was not available, and the Law Office

of Bruce Fletcher was retained to continue the "Krieger-Turner" case. It was Mr. Fletcher's opinion that the entire panel must be sued. Mr. Yang had different opinion. He wants to sue as less judges as possible. The third lawyer is of the opinion that the appropriate parties of the State of California, and the Supreme Court, the Court of Appeal, the Superior Court and the Municipal Court of the State of California should be additional defendants or sole defendants.

(3) The Company and Mr. Shieh do not control the litigation. Spencer's statement that all lawyers of the company and Shieh are Shieh's "puppets" is false. When a lawyer insists on doing or not doing something, the Company and Shieh really have no control. There is no way, and it is impossible to control the lawyers of the Company, and of

Shieh.

(4) Appellants' lawyers have no such intent to file the "Krieger Turner" case five day before the hearing in order to force Turner to recuse. In fact, when the "Kakita-Spencer" complaint was served upon Spencer on or about october 28, 1993, she never recused herself.

(5) Turner was named as a defendant in "Kakita-Spencer" action in or about September, 1993 in the first draft. The Law Office of Lawrence B. Yang decided to name Turner as a defendant along with Krieger in another "Krieger-Turner" action subsequently. Attorney Yang was not available. The Law Office of Bruce Fletcher filed the "Krieger-Turner" complaint and the "Kakita-Spencer" First Amended Complaint.

16. (1) FN 8 further states,

"Also, none of the grounds for disqualification set forth in section 170.1 exist. We have no personal animus toward Mr. Shieh or Say & Say, Inc., rather we are merely making rulings on the legal and factual issues before this court which is not a ground for disqualification." DD, at 9. Untrue.

(2) Discrimination, bias, corruption or hostility are the grounds for disqualification under §170.1. Div. Five has threatened to send Shieh to jail and issued a pre-dismissed order to completely block the California courts and justice. They should recuse themselves.

17. (1) "Finally, we have carefully considered the due process rights of Say & Say, Inc. to have its cases determined by a "'neutral and detached judge in the first instance'..." [citation] Its federal suit is frivolous

and no member of this court will undergo the slightest potential liability. Not only have we always acted appropriately towards Say & Say, Inc., but we are immune from any tort liability." DD, at 9, fn. 8. Untrue.

(2) Div. Five and Div. One are the most discriminatory, hostile and biased justices at this time, as stated in the "Kakita-Spencer" and "Krieger-Turner" cases as they expressed extreme hostility against the Company and Shieh and their counsel. Appellants are deprived due process right.

(3) Judges/justices have <u>always</u> acted as "puppets", as at least one judge admitted, and <u>always</u> completely disregarded the plain languages of the statute. In only about four months, Div. Five and Div. One have issued <u>two</u> published opinions with self-created and

totally false stories to completely deprive non-Caucasian litigants' constitutionally and federally protected rights. This is the first time in America and California legal history.

(4) Div. Five mislead to the public that Appellants sued them for tort. Appellant sued them for declaratory and injunction relief, not torts. They are not immuned from their unconstitutional rulings. The fact that the state would pay for their attorney fees does not give them license to kill, to assault, to lie and to be in league with Caucasian litigants. Highberger, Eisen, Mamo[illegible]m, Spencer and Turner are liars.

18. (1) "Mr. Shieh adopted the practice of joining Say & Say, Inc. as a plaintiff in lawsuits." DD, at 10. This is contrary to the truth.

(2) In December, 1991, the

Law Office of Gary Hollingsworth first filed the complaint on behalf of the Company, and named Luu and Shieh as two additional plaintiffs in Say & Say, Luu & Shieh v. Layman, Araiza, CV. 91-6690-JGD (TX). Why Turner did not declare Luu a VL's because she is very close to Highberger?

(3) This action arose from Araiza's breach of the retainer agreement with the Company. The federal court declined to exercise jurisdiction over the state action. The Company was forced to file the state action with the state court in Say & Say, L. Shieh v. Araiza, Catellano, et al., BC 059833, within 30 days after the dismissal for preserving the statute of limitation.

(4) The Company has never intended to be involved in the lawsuit. In part, several judges/justice in Los

Angeles areas are out-of-control in opposing non-Caucasian litigants but are fully controlled by Caucasian lawyers and Spencer. But for Highberger and defendants in this action induced the Company's attorneys' to breach the retainer agreements and breach their fiduciary duty, the Company would have not sued them. To name the Company as a plaintiff is the Company's decision to save money and to avoid multiple lawsuits.

(5) What this court needs is liars in order to declare the Company a VL. The justices apparently do not know Chinese. The Company's counsel has requested this court to ask any honorable Chinese, particularly Mandarin speaking Chinese, if "say" is the same as "Shieh" in English and in Chinese, both in meaning and pronunciation. This court should not grant licenses to Caucasian lawyers and

their paralegals to lie. All Chinese who read this DD would think that the justices of Div. Five has ethical problems since the discrimination is very clear.

III. THE COURT WANTS LIARS

19. (1) "The following constitutes the pertinent evidence concerning the corporate nature of Say & Say, Inc. presented to us." DD, at 11. False.

(2) First of all, all declarations were apparently prepared and directed by Highberger. Compared Defendants' Request For Judicial Notice ("DJN"), Araiza' Declaration, at 69-71, and other declarations, at 51 (Hilda Liu), 60 (Grace Chow), 66 (Monica Cheang), 73 (Yvonne Luu), 80 (Ivy Yuen), and 87 (Ivy Yuen's false memorandum).

(a). Araiza's Declaration bears Severson & Werson's name, address and telephone. All other declarations do not.

(b). All other declarations bears a stamp "RECEIVED JUL 6 1993 SEVERSON & WERSON," but Araiza's declaration does not.

(c). The computer and printer are different between Araiza's declaration and all other's declarations.

(d). "It is apparent from syntax, gammer, style and tone that, both in the trial courts and in this courts," all other declarations were prepared by Highberger. Put Spencer's words in her month.

20. "The incorporator was Mr. Shieh's wife." DD, at 11. False again. The incorporator is me, the President of the Company. More than 10 items of the

incorporation were done by me through the Company's lawyer.

21. (1) "Mr. Shieh told a paralegal he would 'control the corporation' and to 'create a barrier'." DD, at 11. False.

(2) Mr. Shieh would have never told any one that he would control the Company and to create a barrier. I know Mr. Shieh better than his opponents. The Company's former attorneys and Paralegals who breached their duties are unable to find good jobs. They became Highberger's puppets. No smart man or woman would become a puppet and running dog of Highberger.

22. (1) "Mr. Shieh stated that he used his wife's name in connection with the corporation to mask his participation and because he did not want to appear as the owner of the corporation." DD, at 11.

False.

(2) Shieh would have never said so, as explained before.

(3) Div. Five has made up an untrue story. At the request of Div. Five, defendants submitted three of Mr. Shieh's letterheads. DJN, at 63, 78 and 86. While the letterheads were stolen or forged by Highberger's alter ego, the letterheads did state that Dr. Shieh is practicing law in the State of California and in the ROC. The letterheads prove that Gary Hollingsworth and Francisca Araiza are Shieh's "counsel", not employees.

23. (1) "Despite the fact that the corporation allegedly had its officers at 301 Lake Street in Pasadena, it was not listed on the building directory." DD, at 11. This is untrue.

(2) The Company has <u>never</u> listed its office at "301 N. Lake Ave."

Accordingly, the Company was/is not listed on the building directory. During the relationship between the Company as well as its counsels Araiza (3/2/91 - 6/18/91), Hollingsworth (7/8/91 - 1/17/91), and Araiza's and Hollingsworth's secretary and officer manager Yvonne Luu (5/91 - 1/17/92), and other paralegals (all ended in 1991 and in or about 1/17/92), none of the Company's counsels and the counsels' paralegals have ever occupied Suite 720, 301 N. Lake Ave., Pasadena. This court is requested to take judicial notice that there are more than three law firms and one construction company on the 7th floor, and there are approximately 11 floors at 301 N. Lake.

24. (1) "The corporation operated in Mr. Shieh's offices." DD, at 11. False again.

(2) The Company has never

operated in Shieh's office or in his home. The Company is absolutely independent from Shieh. The Company has never had any office in San Marino or Pasadena. The Company, as an import-export corporation, has never authorized any of the above alleged secretaries, paralegals or lawyers to open its business mail or to conduct its import-export business as stated in each and every Independent Contractor Agreements. See, e.g., D's JN, at 92-136. Accordingly, the allegations by Div. Five are folded lies:

(a). "A secretary and a paralegal never saw any letterhead bearing the name of or other documents addressed to Say & Say, Inc."

(b). "None of the employees of the corporation or Mr. Shieh had ever heard of the president of the entity, K. L. Hung." DD, at 11-12. Neither

the Company nor Mr. Shieh has ever retained them as employees. I and the Company's employee is in R.O.C., not in Los Angeles.

(3) (a). "The corporation has several employees some of whom were lawyers." DD, at 12.

(b). As rebutted above, they were not employees of the Company, but independent contractors. See D's JN 92-136. This court should order Araiza and Hollingsworth to testify that if they have ever presented to the court or outsiders that they are employees of the Company and they used the Company's letterhead to send out letters. In fact, they operated as "Law Office of Francisca N. Araiza" and "Law Office of Gary Hollingsworth". Araiza has admitted in several occasions that she is an I.C., in her letters to Shieh and in her pleadings.

See, e.g., her letter to Shieh, dated June 15, 1991. Hollingsworth has admitted in his tax court application he is Company's I.C. Furthermore, none of the IC are Shieh's employees, they have never used Shieh's letterheads either. While these defendants claimed that they work for "Shieh & Shieh", they have never used such letterheads. Some IC alleged that they were employees of the "Law Office of Liang-Houh Shieh", instead of "Shieh & Shieh". Their inconsistent declarations about the same fact prove their falsity.

25. (1) "The only person with the authority to pay his own or corporate employees was Mr. Shieh and he had the sole power to hire and fire personnel. The lawyers who were employed by Say & Say, Inc. were all supervised by Mr. Shieh and their contracts provided he was to review all of their work." DD, at 12.

Folded lies again.

(2) Shieh has never pay "his own". The Company does not have employees in Pasadena. Shieh does not hav sole power to hire and fire personnel. The power belongs to Hollingsworth and Luu. Otherwise, why they hired all Cantonese to file false declarations. This Company does not have import-export business with Cantonese and do not need Cantonese speaking persons to handle import-export business.

(3) Shieh does not supervise the Company's lawyers. All notes presented have nothing to do with the Company. A client, as the Company and Shieh, only review if the facts in the pleadings are correct, but they do not supervise the lawyers. The contract does not provide that Shieh review "all of their work". Instead, the Company appoints different

persons to make sure that the facts are correct. The Company's reviewers may not have time to review the work, and each of the Company's lawyer is solely responsible for his/her work. See Section 1.3 of the IC Agreement, DJN at 95.

26. (1) "According to a paralegal who was employed by Mr. Shieh, not the corporation, her employer personally reviewed all work leaving the office." DD, at 12. False.

(2) As stated above, the declarations relate to other matters, not relate to the Company.

27. (1) "Employees stated under oath that `Say' was an Anglicized version of `Shieh'." DD, at 12. False.

(2) Appellants are Chinese and are very tired about such lies. In Chinese and English, "say" and "Shieh" are totally different both in meaning and

pronunciation, the former means "speak" and the later means "thanks".

28. "The person designated as the agent for service of process for Say & Say, Inc. did not reside at the address listed with the Secretary of State. The residence was occupied by a person who rented the home from Mr. Shieh." DD, at 12. This is, again, false.

29. (1) "Despite the fact the corporation was used to provide legal service, it was listed with the Secretary of State as an export-import firm. All of the employees at the 301 Lake Street address were involved in providing legal services. Furthermore, when two of the employees filed claims concerning unpaid wages against Mr. Shieh, he argued they were employees of Say & Say, Inc. Neither of the employees had ever been employed by Say & Say, Inc." DD, at 12. This is

totally a lie.

(2) The Company has never been involved in legal practice, and the Company in not located in the said address. No invoice and no bills was ever issued to anyone in the world, and no payment was ever made to the Company, for alleged legal service.

30. (1) "Furthermore, when two of his former employees filed claims concerning unpaid wages against Mr. Shieh, he argued they were employees of Say & Say, Inc. Neither of the employees had ever been employed by Say & Say, Inc." DD, at 12. This is totally false.

(2) Shieh would have never stated that they were employees of Say & Say. In fact, the Labor Commissioner, State of California has made decision that "Say and Say, a corporation was not the employer", for any lawyers and any

paralegals who filed the false declarations, and who filed the complaint with the Labor Commissioner This court is requested to take judicial notice on the three lawsuits filed by Hollingsworth, Castellano, and Luu. See, Hollingsworth v. Say & Say and Shieh, Case No. 93K29255; Castellano v. Say & Say and Shieh, Case. No. 93K29256; and Luu v. Say & Say and Shieh, Case. No. 93K29257, which determined that the Company is not their employer.

(3) All people who filed false declarations, except Araiza, claimed that both the Company and Shieh were their employer. Such conflicted declarations prove the falsity. They could not possibly work for two different entities for the same work on the alleged full time basis. Moreover, the Labor Commissioner has dismissed Hilda Liu's complaint, who

alleged both the Company and Mr. Shieh were her employer. 24D AA 10043.

(4) Yvonne Luu falsely alleged that she issued checks for all lawyers are false. She was under the direction of Gary Hollingsworth to issue check to Hollingsworth's paralegal.

31. (1) "On two occasions, there have been judicial determinations that Say & Say, Inc. and Mr. Shieh are the alter egos of one another. In the decision In re Shieh, [citation], the court noted, 'Say & Say is a corporation owned and controlled solely by Shieh." DD", at 12-13.

(2) Div. Five is nothing more than a discriminatory copy machine. First, in In re Shieh, the Company is not a party, how could the Company be declared as an alter ego of Shieh? Spencer, Vogel and Ortega are liars. Turner, Grignon and

Armstrong are also liars. Turner, Grignon and Armstrong have fully knowledge that these liars in Division One are discriminatory and hostile against the Company and Shieh, they intentionally copy their lies and falsely present such lies to the public. Attached hereto are "Requests for Admission" served upon Justice Spencer, Vogel, Ortega, and Kakita, etc., requesting them to tell the truth. 24D AA 10044-10112. On what basis, Div. One falsely stated that "Say & Say is a corporation owned and solely controlled by Shieh." There are many more questions to ask. The public, one day, will know that justices in Div. 1 and Div. 5 are liars. They have <u>never</u> seen any stock certificate or any ownership documents. How could they lie to the public?

32. (1) "In the decision of <u>In re Shieh</u>, [citation], the court noted that

he has been unable to pay $305,326.90 in sanctions." DD, at 13. False.

(2) Shieh has never been sanctioned for $305,326.90 or a half amount. See, Shieh Dec. Div. 1 has never "noted" that Shieh is unable to pay.

33. (1) "Further, he was unable to pay two of his employees. As noted earlier, at the hearing involving the claims for unpaid wages, Mr. Shieh claimed they were employees of Say & Say, Inc." DD, at 13. This is totally a lie.

(2) Shieh has never said they were employees of Say & Say, and Shieh has even never attended the said "hearings." See Shieh Dec.

34. (1) "The foregoing recitation of the factual and procedural history of Mr. Shieh's misconduct and his use of Say & Say, Inc. to continue his persistent misuse of the litigation system

would at first blush appear to be a problem the vexatious litigant law cannot resolve." DD, at 13.

(2) As aforementioned, all of the recitations are false. Those recitations demonstrate the misconduct and corruption of Turner, Grignon and Armstrong.

35. (1) "The lawsuit resulted in a substantial judgment against Mr. Shieh." DD, at 11, fn. 9. False.

(2) Div. Five has never intended to review and understand Appellants' pleadings. As a copy machine, they only copy defendants' false documents. With respect to Appellants' pleadings, they only see the last page of the pleadings to see how many pages of the brief and the AA. Shieh's counsel has filed a motion to vacate default and default judgment. FJ filed no opposition.

There was no judgment against Shieh.

36. (1) "However, when well established principles concerning disregarding the corporate fiction and utilization of a corporation to avoid a statute are applied to this case, we conclude Say & Say, Inc. is subject to the vexatious litigant law. Further, we find as a factual matter it would be inequitable to allow the corporate fiction to permit Say & Say, Inc. to avoid the effect of section 391 et seq." DD, at 14-15. Untrue.

(2) As stated in the opposition paper, none of the principles can be applied to the Company. The only reason is that Div. 5 considers itself as a "party", in furtherance of their collusion and corruption with Caucasian litigants, their future employers and supporters.

37. (1) "At oral argument, counsel for Say & Say, Inc. agreed the foregoing principle was an accurate statement of California law, although he disputed its application to his client." DD, at 17. Untrue.

(2) Shieh and his wife are not shareholders, directors, officers or managing agents of the Company or any other corporations in the world. Counsel for the Company does not agree with that principle.

38. (1) "The purpose for which the corporation was formed was to protect Mr. Shieh from the consequences of litigation. All of the conduct of the corporate employees was subject to Mr. Shieh's personal supervision. There was a disregard of corporate formalities. Employees of Mr. Shieh would work with

attorneys who were employed by the corporation. There is no evidence of any separateness between the conduct of Mr. Shieh and the manner in which he conducted his activities at 301 South Lake Avenue and those of the corporation." DD, at 19. Untrue.

(2) Apparently, justices of Division Five are totally liars.

(3) As stated in my earlier declaration, an entity was under consideration to be formed in or about 1988, approximately three years before any alleged events occurred.

(4) In December, 1988 and September 1989, I met with Mr. Shieh in ROC. In 1990, I have also met with Mr. Shieh several times in ROC, including April, May, September, and October (and/or November), 1990. I discussed with him various questions about formation of an

entity, etc., and the possible names of such entity. I have met with Mr. Shieh at least twice per year subsequently.

(5) This Company does not want to pay expensive attorneys' fees to large and expensive law firms. The Company has started to look for an inexpensive lawyer to form an entity since in or about 1988.

(6) Several names were used to check the name availability with the Secretary of State of California. The names includes: "Say & Say", "Speak & Speak", "S & S", "Super & Super", "Same & Same", etc. Only two names could be checked with Secretary of State in each phone call. "Say & Say" was available.

(7) Because the international mail would take two to three weeks from U.S.A. to R.O.C., and from R.O.C. to U.S.A., if there is no

unexpected delay. The Company asked C.R. Yuan to sign the Article of Incorporation, dated February 2, 1991, so that the Article of Incorporation would be filed any time without any delay. The Articles of Incorporation could be executed by a paralegal or an attorney of Lewis, D'Amato, Brisbois & Bisgaard ("LDBB") in 1990 or by a paralegal or an attorney at Fulbright & Jaworski ("FJ") in 1991, when Shieh was a partner there, as American law practices regularly do. However, this Company did not want to retain an expensive law firm. Ms. Yuan executed the Article of Incorporation just for the convenience.

(8) In short, the entity was intended to be formed in or about 1988, was finally decided to be formed in or about 1990. The Article of Incorporation was executed on February 2,

1991, indicating the purpose of the corporation was for import-export, and was filed and received the conformed copies in May, 1991. The facts clearly indicated that the Company was intended to be formed more than three years before any alleged events occurred, and was actually formed more than six months before FJ sued PSJ, Chien and their counsels (Hollingsworth and Shieh), and approximately one year and a half before Highberger and his conspirators filed VL motions.

(9) A. In Andrew Castellano's declaration, dated October 6, 1992, entitled "Declaration of Andrew Castellano In Support of Motion of Gary Hollingsworth For An Order Requiring Plaintiff Liang-Houh Shieh To Furnish Security As A Vexatious Litigant" ("Castellano Dec. Supporting Hollingsworth VL Motion") for the VL motions hearing

"Dated: October 26, 1992" before Kakita, Castellano admitted that "the corporation [Company] was owned by Taiwanese Commercial Interests." 24D AA 10031, line 10 - 11. (Emphasis added). Castellano also admitted "that it [the Company] was not involved in any illegal or fraudulent activities." Id., line 11 - 12 (Emphasis added).

B. Castellano filed that declaration in Say & Say, L. Shieh v. Castellano, Hollingsworth, Araiza, et al., BC 59833 ("Castellano State") case in 1992. 24D AA 10029. However, approximately one year later, in 1993. William Highberger found that Castellano's admission and the truth are contrary to the doctrine of "piercing the corporate veil" and "vexatious litigant statute." Highberger ordered the Company's former lawyers and their paralegals to change the

stories and filed false declarations. Highberger and Araiza's lawyers, who was hired by the Company's and Shieh's opposing parties/counsel without charges, then changed the entire stories and truth. Among other things:

a. change the owner of the Company from "Taiwanese commercial interests" to "Mr. Shieh";

b. change the Company's business from "not involved in any illegal or fraudulent activities" to "involved in law practice";

c. Changed Castellano's declaration to other persons' declarations (Castellano is the only major defendant who was not required by Highberger to submit the declaration for the July 29, 1993 hearing in connection with the motion to declare the Company as an alter ego);

d. during the period of Castellano relationship with the Company (on or about December 30, 1991 through on or about January 17, 1992), all people who filed the false declarations, except Araiza, were still with the Company. These people include Hollingsworth, Luu, Yuen, Chow, Liu, etc. If what Hollingsworth, Luu, Yuen, Chow, Liu told the truth, why they did not leave the Company but engage in such alleged "illegal and fraudulent activities." Their own illegal activities constitute "unclean hand" and "estoppel". Is Castellano's October 6, 1992 declaration true or are the one year later's declarations of these persons true? There are conflict.

e. Castellano further admitted that "I never saw any . . . invoices . . . bearing its [the Company's] name." 24D AA 10032, lines 19 - 21.

Castellano admitted that the Company has never billed anyone for the alleged legal service. But these persons filed different and false declarations from Castellano's.

(10) Except the foregoing, the remaining declaration of Castellano is false.

(11) As stated above, all of above are lies. The federal court will pierce the veil of Div. 5 and Div. 1.

39. (1) "We conclude the only purpose for which this has been done is to evade the effects of the vexatious litigant law." DD, at 20. This is false.

(2) Div.5 should ask themselves if the Company is not a co-plaintiff, but filed a separate action, will Div. 5 issue the same order? That would be very ridiculous.

40. "Mr. Shieh and his corporation. . .." DD, at 20. This is

false again.

41. "It would be inequitable to allow Mr. Shieh to utilize Say & Say, Inc. to continue with his misuse of the litigation process directed at members of the legal community." DD, at 20. Finally, Div. 5 admitted that what they concerned are their Caucasian lawyers, their future employers.

42. (1) "[W]e conclude that Say & Say, Inc. has been used to circumvent section 391 et seq." DD, at 20. Absolutely false.

(2) The vexatious litigant was used by Div. 5 and Div. 1 to stop non-Caucasian litigants' constitutionally and federally protected rights.

43. "It is now subject to a pre-filing order in all of the courts of California. " DD, at 20. Div. 5 has no jurisdiction over the California Supreme

Court and small claim court.

44. "10 days" is illegal and unconstitutional; as §391.7 (b) and (c) do not apply to "appeal" and to the "Company" which is represented by counsel.

45. (1) FN. 11, DD, at 20, is totally false.

(2) Counsel for the Company in its "Opposition" to the order to show cause re vexatious litigant, dated November 6, 1993, clearly state that the legislative intent is not to apply the vexatious litigant statute to a corporation because plaintiff means a natural person, not a corporation. Counsel for the Company has provided with this court the declarations of K. Hung, dated August 9, 1993, attached in the Opposition. The plain language of VL statute states that the Company is not subject to the VL statute.

46. (1) "Mr. Shieh had been discharged by the law firm of Fulbright & Jaworski, was in litigation because of the termination, and he desired to use the corporation in 'order to keep up the pretense of not being able to practice law'. It was only after the law firm of Fulbright & Jaworski sued him that Say & Say, Inc., was formed." DD, at 11. A lie.

(2) As aforementioned, this is a totally frivolous and outrageous lie.

47. (1) "The corporation operated in Mr. Shieh's offices. A secretary and paralegal never saw any letterhead bearing the name of or other documents addressed to Say & Say, Inc. Nobody ever called the offices asking for Say & Say Inc. None of the employees of the corporation or Mr. Shieh had ever heard of the president of the entity, K.L. Hung." DD, at 11-12. Totally false and

irrelevant.

(2) First of all, the Company's office is not at 301 N. Lake Ave. and the Company's principal business address is not at Shieh's offices. Secondly, the Company does not operate in Shieh's offices. Thirdly, whether or not the paralegal saw any mail directed to the Company is irrelevant to the matter, as the Company's officer is not in Pasadena, and not in San Marino.

(3) Since the paralegal worked in the law offices of the attorneys (Castellano, Araiza, Hollingsworth, etc.), how can he/she handle or know the mail of Say & Say? The paralegal did not work for Say & Say for import-export matters, but work for Castellano, Hollingsworth, Araiza, and other attorneys for legal matters.

(4) The paralegals worked

in the law offices of the attorneys, not in Say & Say, Inc., their statements that they never saw any letterheads bearing Say & Say and that nobody ever called their offices for Say & Say only demonstrate that Say & Say and law offices are separate, and are not in the same locations.

(5) Finally, the paralegals, as independent contractors of the Company, who did not know who is the president of the Company, only proves why they stated what Highberger wanted.

IV. ARAIZA, HOLLINGSWORTH, CASTELLANO, LIU, LUU, YUEN, CHOU ET AL., ARE NOT THE EMPLOYEES OF THE COMPANY AND SHIEH

A. Labor Commissioner's Decision: Not Employee of The Company

48. In Hollingsworth v. Say & Say and L. Shieh, 93K29255 Luu v. Say & Say and L. Shieh, 93K29257 and Castellano v. Say & Say and L. Shieh, 93K29256, the Labor Commissioner determined that Say & Say is not the employer of Hollingsworth, Castellano and Luu. Neither the Company nor Shieh was ever served with the summons and complaint in these three actions. The Company and Shieh did not attend the hearings. All three people alleged they were employee of both the Company and Shieh -- a conflict allegation.

B. Labor Commissioner's Decision: Not Employees of Shieh And of The Company

49. In Hilda Liu v. Say & Say,

and Shieh, the Labor Commissioner dismissed Liu's complaint against the Company and Shieh. Liu alleged as the employee of both Company and Shieh. Liu alleged that she is a paralegal.

V. EACH LAW OFFICE MAINTAIN ITS OWN LEGAL MALPRACTICE INSURANCE, HEALTH INSURANCE AND ITS OWN ACCOUNT

C. Admissions of Araiza, Hollingsworth and Castellano That They Are Not Employees

50. Araiza admitted in her pleadings, and letters that she is not the employee of the Company or Shieh.

51. Hollingsworth admitted in his application to the U.S. Tax Court and other pleadings, as well as declaration

that he is not an employee of the Company or Shieh.

52. Castellano admitted in his fax and letterhead that he was not an employee of Company & Shieh.

D. Admission By Conduct: Legal Malpractice Insurance, Health Insurance, Letterhead, Pleadings, Account, Etc.

53. Each lawyer used their own letterhead and pleadings not the Company's, nor Shieh's letterheads and pleadings. They represented to the outsider that they are lawyers to, but not employees of, the Company or Shieh.

54. Each lawyer maintains their own legal malpractice insurance and health insurance, and accounts, which are independent from Shieh's, and other

attorneys'.

55. Hollingsworth sent out an application to buy insurance and listed Luu, Yuen, Liu, etc. as his own employees. The health insurance was handled by his office manager Yvonne Luu.

56. The payments of the paralegals come from the lawyer's account, such as Hollingsworth's and Luu's. Each attorney is requested to report income tax for such income and for such expenses.

57. Each attorney and paralegal is required to submit time sheet for payment. Each attorney and paralegal is paid, based on their hours, with a maximum of compensation.

58. Each and every of these paralegal who filed false declarations overcharged their time. e.g. Yuen came irregularly at approximately 10:00 a.m. and left at approximately 2:00 p.m. to

pick up her relative. She falsely reported as nine hours. Hilda Liu left at 7:30 p.m., whom she irregularly come around noon time. These were done with knowledge and permission of Hollingsworth and Luu.

59. Yuen has constantly refused to submit time sheets as admitted by Hilda Liu, and Yvonne Luu. She called Kelly "bitch" loudly that all people at 7th floor could hear. Hollingsworth and Luu controlled Hollingsworth's office. They refused to terminate Yuen for her consistent dishonest and unprofessional conduct.

Hollingsworth was involved in (1) a sexual scandal with Yuen and other woman in his office, and (2) immigration fraud. Finally, Hollingsworth took Ivy Yuen and Yvonne Luu with him by clearing the account which he jointly held with Luu. Hollingsworth then deserted his

girlfriend/fiance and married Ivy Yuen, an illegal alien at that time, in order to fraudulently obtain the permanent resident status ("green card") for Yuen.

(1) Araiza and Luu

60. Pursuant to Araiza's misrepresentation and warrants, the Company decided to retain her as an independent contractor and its legal counsel. Part of her work is to complete the incorporation matter. The confirmation letter for the Retainer Agreement was sent out in the early morning of March 29, 1991 before any event occurred. 9 AA 2823.

61. Before Araiza commenced to work for the Company and after her breached of the Retainer Agreement, Araiza has always maintained two offices, one at 757A Ocean View Avenue, Monrovia, CA 91016, and the other at Raymond Street, Pasadena, CA. See e.g., Araiza's

attachment, 24D AA 10024 (also 9 AA 2823), and the address listed on the complaint in Shieh v. Ebershoff et al., BC 027441 filed by her. The telephone number of (818)358-2948 is her Raymond office telephone number, which she used before, during and after her relationship with the Company. See top of her letterhead, 24D AA 10024, 10026.

62. Luu was working in Araiza's offices. Araiza admitted that Luu was her secretary.

63. This Company does not want to retain large and expensive law firms. This Company did not retain Lewis, D'Amato, Brois and Bargaard ("LDBB") in 1990 when Mr. Shieh a partner at LDBB. This Company did not retain Fulbright & Jaworski ("FJ") in 1991 when Mr. Shieh was a general partner at FJ.

64. Because Shieh was partner

at LDBB in 1990, and a partner at FJ in 1991, this Company has to retain a small firm to handle this Company's legal matter. The long distance between U.S.A. and R.O.C. the Company asked Ms. Yuen to execute the Article of Incorporation with the agreement that she would resign immediately after the endorsement of the Articles, that I will assume all incorporation work, and that she will not handle any incorporation matter. This is why the Articles of Incorporation was executed on February 2, 1991.

65. If Ms. Yuen had intended to be the incorporator for the Company, she would have completed the incorporation matter in 1990. If the Company is not for import-export, the Company's Article and the Statement By the Domestic Corporation would have indicated differently. Division Five and defendants' allegations are

false.

VI. SAY & SAY'S LITIGATION

A. Protect Itself

66. This Company, from newspapers, televisions and other sources, was informed many times that white jurors almost always render verdict against blacks man or woman. Many Caucasian judges/justices are hostile and discriminatory against Oriental people. United States is a good place to do business in certain period of time. But if an Oriental is involved in a litigation with Caucasian litigant, there is no justice, but a miscarriage of justice.

67. But for Araiza's breach of retainer agreement, filing frivolous lawsuit against Shieh and Araiza's

secretary Luu, the Law Office of Gary Hollingsworth would have not filed a lawsuit against Araiza in December 1991. This was the first time, the Company was ever involved in the litigation.

68. This Company has no intent to join with Shieh for any litigation for the purpose alleged by unethical judge/justice and their Caucasian bosses and supporters. The only reason that this Company asked its lawyer to be a co-plaintiff with Shieh is to save attorneys fees and costs. Otherwise, there would be additional 10 - 12 lawsuits, and the Company's lawyers would have to spent double time on the Company's litigation.

69. This Company has never intended to join Shieh to avoid a VL statute. If the judge/justice are ethical, they should be able to discover a simple question, what happen if Company filed

independent lawsuits? When the California courts decided to block justice against Shieh, the California court can stop all of Shieh's litigation anyway. The Company cannot save Shieh, either it is a co-plaintiff or it is in an independent lawsuit.

70. The multiplicity of the lawsuits are solely caused by the federal and state systems and the corruption and discrimination of certain unethical judges/justices, and their bosses and supporters -- the large, rich and corruptive law firms.

(1) Spencer and Turner blamed the Company and Shieh for their filing many complaints. If that was true, that was caused by Kakita, Krieger, Cappai, Spencer and Turner, et al. If they have allowed the cases to go to trial, there were only three (3) cases -- two by

Shieh alone and one by both the Company and Shieh. The Company and Shieh would not file any more lawsuits. Instead, they dismissed all cases. The law allows parties to file new actions because their declarations of VL are not on the merit and their granting the motions to dismiss is not on the merit either.

(2) What the Company and Shieh want is a fair trial on the merit on their major cases: (1) Say & Say v. Layman, et al., CV -91-6690-JGD ("Castellano Federal"); (2) Shieh v. Christopher, et al., Case No. USDC. CV-91-6968-MRP (SX) ("Christopher Federal."); (3) Shieh v. Ebershoff, et al., CV-91-5466-WJR (EX), 93-55327 ("Ebershoff Federal"). But, if the federal courts did not decline to exercise jurisdiction over state claim, the defendants would have not blamed the Company's and Shieh's lawyers

for filing multiple lawsuits (one is filed for federal claim, and the other is filed in state court for state claim), and the judges/justices would have not declared Shieh and the Company VL in the Castellano State, Christopher State and Ebershoff State. In summary, there are only three cases.

(3) The state courts, led by corruptive judge Kakita and Justice Spencer, decided not to exercise jurisdiction over state claims. They decided to dismiss the case. The best way is to declare Shieh a VL, then to declare the Company a VL. But none of the existing law and constitution allow them to do so. To show their loyalty to their bosses and supporters, in light of Spencer's retirement plan and Kakita's future, they revoked the law and constitution.

(4) In the recent

California legal history, this is one of the most corruptive decisions, if not worse than Rodney King's case.

B. No Intent To Be In Propria Persona

71. Neither this Company, nor Liang-Houh Shieh, has any intent to be in pro per. This is the reason that Mr. Shieh has been represented by more than 20 law firms, and the Company has been represented by more than 8 law firms, in all of their cases. If either the Company or Mr. Shieh has any intent to be in pro per, they would have done everything by themselves to save approximately one million dollars attorney fees.

72. The facts that defendants have always induced the Company's and Shieh's lawyers not to represent them, but

to file false declarations against the Company and Shieh, do not make the Company and Shieh as voluntary in pro per litigants.

VII. KAKITA, KRIEGER, CAPPAI, SPENCER AND TURNER, ET AL., BLOCK JUSTICE AND BLOCK THE COMPANY'S AND SHIEH'S RIGHT TO ACCESS TO THE COURT IN LEAGUE WITH CAUCASIAN LITIGANTS.

73. The Company was informed that all California state court judge/justice were elected or appointed. This invites politics to be involved in the process of election and appointment. Judge/justice are frequently involved in various activities with large or rich law firms. Corruption automatically becomes an important factor. Spencer's Southwestern Law School background and activities

provide her extremely strong and extremely tied to local connection and local politics, as well as extremely lack of national view of justice. What she cares is the Caucasian law firm. She insulted the Company's lawyers, who have much better morality, quality and education as well as much better sense of national and international justice. Many local judge/justice have the same problems. Of cause, there are some good judges/justices. Unfortunately, they have never appointed by the Presiding judges/justices.

74. Mr. Shieh has informed me that he is very impressed with many judges/justices in the United States. Each of these judges/justices has a much better backgrounds in terms of their morality, quality and education, as well as their sensitivities of justice and the

consequences of their decisions upon all litigants. These judges/justices may not rule in favor of Mr. Shieh and his clients, but they are fully respected by Mr. Shieh.

75. A lawyer should be honest and should not lie. A lawyer should fight in the honorable way, and should not be a "street fighter". The justice will finally tell the truth: William Highberger, David Eisen, D. Jay Ritt, John Quinn and several lawyers in large law firms are crooks and street fighters. Unfortunately, some judges/justices have the same quality as they are. They should have joined Highberger's firm so that California courts can remain a place of justice.

76. The corruption and conspiracy between several judicial judges and Caucasian litigants is to prevent the Company and Shieh from suing their

Caucasian bosses and supporters. The judges/justices' future is very close to the large, rich and influential law firms, under the American judicial system. These judges/justices need the support from those large, rich and influential law firms for their appointment, election, and retirement, et al. Some judges/justices have become the partners, counsels, and extremely high pay referee of those law firms. Those judges/justices have lost their independence.

77. These judges/justices have formed whatever illegal and unethical decisions to stop the Company and Shieh from filing any litigation, appeal and writ against the law firms. One of the worst way is to declare Shieh and the Company vexatious litigants ("VL"). But, the clear and plain languages prevent these judges/justices to declare them as

VL. They have to change the law and the constitution to keep these law firms happy. Accordingly, two frivolous and outrageous new precedents were created by Spencer and Turner, based solely upon their imagination of the non-existed false stories in order to cover up their misconduct. They falsely present these false decisions to the public. Put Spencer's and Turner's words into their mouths:

(a). The Court of Appeal is their alter ego for injustice; and

(b). They wholly owned and controlled the California courts.

78. As any other Oriental foreigner, Mr. Shieh has very strong accent - he is not an American litigant. Kakita, Krieger, Cappai, Spencer and Turner, et al., have <u>never</u> seen Shieh in the courts, have <u>never</u> personally seen

Shieh preparing any documents, but they declared him a VL. As far as I am aware of, no one in the United States has ever been declared a VL when he is represented by Counsel and he does not go to court to argue his own case. Honorable Phillip E. Cox, Judge of the Spencer Court of Orange has admitted that "It is an unusual case where they have extended it to them when he has an attorney representing him. As I tell you, they're my boss, and I cannot overrule the District [sic] Court of Appeal." See, Reporter's Transcript of Proceedings in Say & Say, et al. v. David, et al., Case No. 706439, dated August 27, 1993, at 5, line 24, at 6, line 1. Honorable Cox's admission proves two things:

(a). Spencer and Turner made new law and new constitution to keep large law firms happy; for their personal

benefits.

(b). Judges/justices have no independence -- they only followed their bosses, Spencer and Turner, even if their decisions are clearly wrong. They do not follow the clear and plain language of the law and the constitution, as well as their Consciousness. Spencer and Turner always above the law and constitution for their personal benefits.

79. When the cases are on the appeal, they do not want to review if the lower court's decisions are correct. Instead, they want to dismiss the appeals. Only Caucasian litigants have right to 50 pages opening brief in each appeal. Spencer gave the Company and Shieh only 15 pages limit for the total of three appeals.

80. The facts that Spencer and Turner act as copy machines to copy

whatever Caucasian lawyers' misrepresentation, but refuses to review and consider the explanations of the Company and Shieh. The issue is if Spencer and Turner are vexatious justices. The number of the frivolous orders and decisions prepared by Spencer and Turner prove that they are frivolous, outrageous and vexatious.

81. Judges/justices have collectively sanctioned the Company, Shieh and their attorneys because the non-white litigants have no right to be in the Caucasian courts and non-white litigants have no right to be represented by counsel. Virtually, all cases cited by those judges/justices are in favor of the Company and Shieh, but these judges/justices made decisions against the Company and Shieh by creating totally false stories.

VIII. ARE THE CALIFORNIA COURTS WHOLLY OWNED AND CONTROLLED BY SPENCER AND TURNER?

82. In In re Shieh (1993) 17 Cal. 4 App. 1155, Spencer said: "Say & Say is a corporation owned and controlled solely by Shieh." Id., fn. 3. If the Company is owned and controlled solely by Shieh, then the California courts are owned and controlled solely by Spencer. Spencer has never seen any stock certificate on any shareholders' books showing that Shieh is a shareholder and is the sole shareholder. In Shieh's and his wife's lives, they have never bought any stock in any company in the world, how could Shieh be an owner of the Company? On the other hand, the public record demonstrates that Spencer is the "boss" of

Honorable Cox, and all courts of the State of California. Spencer is the boss of all California courts.

83. Kakita, Spencer and Turner mislead the public when they said that Shieh is in pro per, and is a vexatious litigant. They have never told the public that they have never seen Shieh in the court. All discovery was disallowed. Shieh was unable to prove his innocence. This grants defendants (large, influential, rich and Caucasian law firms) the opportunity (1) to induce the Company's former attorneys and paralegals to lie, and (2) to commit assault, battery and breach of peace. The Company's former attorneys - Araiza, Hollingsworth and Castellano, as well as their paralegals are nobody, but simply the instrumentalities of William Highberger, David Eisen, Kakita and Spencer.

Therefore, they can file whatever false declarations without subject to discovery and without subject to perjury. Kakita's and Spencer's unethical misconduct has destroyed the California judicial system to allow defendants to lie in the declarations, and to commit crimes.

84. In In re Shieh, Spencer also mislead to the public that: Shieh was in pro per co-counsel, all documents and pleadings were drafted by Shieh, all attorneys of the Company were Shieh's puppets, and Shieh totally controls the Company.

IX. ALL ALLEGATIONS OF THE DEFENDANTS AND DECLARATIONS IN SUPPORT THEREOF IN THE WITHIN ACTION ARE FALSE, GROUNDLESS AND WITHOUT PERSONAL KNOWLEDGE

85. Defendants Francisca Araiza,

Gary Hollingsworth, Yvonne Luu, Ivy Yuen and their conspirators' allegation that 1829 S. Euclid Ave., San Marino, California and 301 N. Lake Ave., Pasadena, California are the principal business addresses of the Company is totally false. San Marino is a residential area and does not allow the import-export business. Therefore, all allegations which allegedly took place in San Marino and Pasadena are false and irrelevant. The Company retain lawyers and their paralegals to protect the Company's interest. The Company has never authorized Araiza, Hollingsworth, Luu, Liu and Yuen, et al. to open its mail, to entertain the visitors or to conduct its import - export business. This is the same as the lawyer of the IBM who do not conduct computer business for IBM, but only work on the legal matter.

86. JMBM defendants alleged in

their Brief in Support of Order to Show Cause Re: Vexatious Litigant that "Say & Say is not a proper party" to this action, that Mr. Shieh attempted to make Say & Say a party to this action for the sole purpose of "avoid the requirements of the vexatious litigant statute and to circumvent court orders". The aforementioned allegation is totally false.

87. The Company was a plaintiff in both Say & Say, et al. v. Layman, et al., CV - 916690 - JGD (TX) ("Castellano Federal") and Say & Say, et al. v. Castellano, et al. BC 059833 ("Castellano State") since December, 1991 and July, 1992 before anyone has ever falsely declared this Company and its counsel to be vexatious litigants. The Company has different causes of action against defendants from those causes of action

brought by Shieh against defendants. The Company was joined in as a new party in the case of Ebershoff State II, BC 061170 because defendants, among other things:

(1) have colluded with William Highberger of Gibson, Dunn & Crutcher ("GDC") and the Company's former counsel Andrew Castellano, Gary Hollingsworth and Wesley Rusch, etc. to reveal the Company's confidential and privileged material and information;

(2) have induced the Company's lawyers and paralegals to breach their fiduciary duty and professional duty (the declarations signed by the Company's former lawyers and paralegals are the best examples);

(3) have deceived and colluded with parties and Kakita, Krieger, Cappai, Spencer and Turner, et al.;

(4) have induced and coerced

the Company's lawyers not to represent the Company. This has been actually done by Highberger and all defendants.

88. But for defendants' above misconduct, the Company would not have been a victim or a party in Ebershoff action.

89. Exhibit F is attached to JMBM defendants' JN a copy of Memorandum of Points and Authorities in Support of Motion to Amend Judgment to Add Alter Ego filed by defendant Francisca N. Araiza in Say & Say v. Castellano. This document cannot be taken by judicial notice because it is totally false and irrelevant and is in serious dispute.

90. The fundamental issue in these declarations is that none of them

has personal knowledge. All declarations are false.

91. Francisca N. Araiza's Declaration in support of Defendants' Motion To Amend Judgment is in its entirety false and irrelevant to this present action.

(1) In Araiza's declaration, she falsely stated that "Say & Say" was the phonetic pronunciation of Mr. Shieh's name. In fact, the pronunciation of Mr. Shieh's last name "Shieh" is different from "Say" both in Mandarin and in English. "Say & Say" means "speak and speak", but "Shieh & Shieh" means "thank and thank". There is no connection between the name of the Company and Mr. Shieh's last name.

(2) Araiza's declaration that Mr. Shieh told her

that he would control the corporation is totally false. Mr. Shieh is not a shareholder, nor an officer of the Company. He is only one of more than nine legal counsels of the Company, and he cannot and has no power to control the Company. At the time of the relationship between Araiza and the Company, Araiza maintained three offices and handled her own cases.

(3) Araiza's declaration that "Shieh would have absolute control of the workload. . .." is totally false.

(4) Araiza'a declaration that the attorneys of the Company would bill Say & Say and it, in turn, would bill the clients is totally false. The Company has <u>never</u> sent any bill to any client for the alleged legal service, and has <u>never</u> received any money.

(5) Araiza's declaration

that the creating of the Company was to create a "barrier" is an intentional deceit. As I have declared through my previous declarations, the creating of the Company is for the purpose of import-export business. This Company's incorporation had no connection with Mr. Shieh's cases.

(6) Araiza's statement that Mr. Shieh used his wife's name in his business to mask his participation in the Company is totally false.

92. The Declaration of Hilda Liu is totally false.

(1) Liu was to work for the attorneys, not to work for the business of the Company. She was not engaged in the import-export business affairs of the Company. Her statement about the Company and Mr. Shieh is totally false.

(2) If Liu is honest, she should be the witness to testify that the Company has never billed anyone in the world for the alleged legal service, and the Company has never received any money for such alleged service. Araiza's lie can be rebutted by Liu.

(3) Liu's declaration that Shieh formed the Company is totally false. Liu has no personal knowledge.

(4) Liu was not hired by Shieh, rather she was hired by Yvonne Luu and the Law Office of Gary Hollingsworth. After Hollingsworth and Luu left, she worked as a spy for Hollingsworth, Araiza and Luu. Mr. Shieh was not her employer.

93. The Declaration of Yvonne Luu is totally false

(1) Luu's declaration that she worked in the Law Office of Liang-Houh

Shieh is false. How could she work for the Law Office of Liang-Houh Shieh and also for "Shieh & Shieh", two different entities for the same thing at the same time? Luu worked as office manager in the Law Office of Francisca N. Araiza and then the Law Office of Gary Hollingsworth. Since she is a Cantonese, Luu hired all Cantonese as paralegals. All paralegals who signed the false declarations are Cantonese because Gary Hollingsworth's wife, Ivy Yuen, is a Cantonese. Shieh is not a Cantonese and cannot speak Cantonese.

(2) Luu's declaration that Shieh signed the lease to sub-lease the space at 301 N. Lake Ave. Suite 720, Pasadena is false. Araiza was obligated to execute the lease.

(3) Luu, as a manager of the Law Office of Gary

Hollingsworth, was only responsible for the management of the Law Office of Hollingsworth. She has never engaged in the import-export business of the Company.

(4) Luu's declaration that Shieh controlled the Company is false. The Company is a separate entity.

(5) Luu's declaration that Shieh's last name has the same meaning and pronunciation with Say & Say in Chinese is totally false, as I declared above.

(6) Luu was not hired by Mr. Shieh, and Mr. Shieh was not her boss.

94. <u>The Declaration of Ivy Yuen is totally false</u>

(1). Yuen's declaration that Shieh was the owner and the boss is false.

(2). Shieh has no control over the operation of the Company, the Company's alleged staffs and the alleged

staffs' workload.

(3). Yuen, as a paralegal of the attorneys has never engaged in the import-export business operation of the Company and she had no knowledge of the business of the Company.

(4). Yuen's statement that "Say & Say" is an English translation of "Shieh and Shieh" is false, as I declared above. (5). Yuen was not Mr. Shieh's employee and did not work for Shieh. She worked for her alleged husband Gary Hollingsworth under the sex and immigration fraud exchange scandal.

(6). Yuen was an independent contractor of the Company. She was not an employee of Mr. Shieh or the Company.

95. <u>The Declaration of Monica Cheang is false</u>

(1). Cheang, a Cantonese who

does not speak Mandarin Chinese well, was not hired by Mr. Shieh, but by Luu.

(2). Mr. Shieh was not Cheang's boss.

(3). Cheang, as a paralegal, has never engaged in the import-export business of the Company. She has no knowledge of the operation of the business of the Company.

(4). Say & Say has never been used as Mr. Shieh's law office in any lawsuits. The Company is a separate entity. In some cases, the Company and Mr. Shieh are co-plaintiffs or co-defendants, but the Company was never used as Shieh's law office to sue any people.

96. The Declaration of Grace Chow is false

(1). Chow, a Cantonese, was not an employee of either Mr. Shieh or the

Company. She was retained by Luu, another Cantonese.

(2). Chow, as a paralegal, solely worked for Andrew Castellano. She resigned, after difficulty in working with Castellano briefly. She has never engaged in the business operation of the Company, and she has no knowledge of the business of the Company.

(3). Mr. Shieh is a counsel of the Company and he has no control over the Company and its staffs.

(4). The name of the Company as "Say & Say" is no relationship with Mr. Shieh's last name as "Shieh". They are completely different in pronunciation and meaning.

The Falsity of Division Five And One

97. Say & Say is co-defendant in

the lawsuits filed by Castellano, Hollingsworth, Luu, Liu, Rusch, and D. Miller. Divisions One and Five did not ask them why they also sued the Company in the above six actions against Shieh.

98. The Published Decisions do not stand on neutrality and justice. They were made on a presumption that all allegations and statements of the Caucasian litigants and their instrumentalities are true, and a presumption that all statements and arguments of Appellants are false. All statements, arguments, and facts presented by Appellants were automatically ignored.

I declare under penalty of perjury under the law of California and the law applicable to me that the

foregoing is true and correct.

Executed in Taiwan, Republic of China, on December 29, 1993.

K, Hung

Declarant

APPENDIX K

Law Office of James L. Andion
301 N. Lake Ave., Ste. 720D
Pasadena, CA 91101
(818) 405-0344

May 26, 1993

Via Fax (213) 481-3771
And Regular Mail

Mr. David Garcia
President
First Legal Support Services
1511 W. Beverly Blvd.
Los Angeles, CA 90026
T: (213) 481-7191

Re: Harassment and Intrusion of Privacy, et al. Shieh v. Ebershoff, D. Jay Ritt, et al. BC061170

Dear Mr. Garcia:

On May 25, 1993, at approximately 9 p.m., a person identified himself as David Garcia knocked on the door and rang the bell at 1829 S. Euclid Ave., San Marino, CA, 91108 for approximately 10 minutes. When the resident called the police, he falsely misrepresented to Sargeant Hadsell that he was serving Mr. Liang-Houh Shieh, plaintiff in the above captioned case with a "subpeona." In fact, it is not a subpoena but an abstract of judgment. He also identified himself as an employee of Quinn, Kully and Morrow ("QKM") with the address in the first page of the paper.

The proof of service indicated that on May 12, 1993 a person named Ginger Canady of Quinn, Kully and Morrow served the abstract of judgment upon Guy Rollins, Esq., and Richard Hopkins, Esq.

Both are attorneys for plaintiff Shieh in this action. Defendant D. Jay Ritt has clear knowledge that Mr. Shieh is represented by counsel and that all of the pleadings should be served upon his counsel. There is no need to serve Mr. Shieh personally.

Apparently Mr. Ritt of QKM intentionally conspired with your company and consistently used the abstract of judgment in the past approximately two weeks as a pretext for the purpose of harassment, intrusion of privacy and for other illegal reasons. They have knocked on the door and rang the bell of Mr. Shieh's residence day and night continually for the past two weeks.

Please provide us with a detailed explanation as to your company's service

of any and all pleadings at 1829 S. Euclid Ave., San Marino, CA 91108 in the past.

You are hereby notified that you are strictly prohibited from access to 1829 S. Euclid Ave., San Marino, CA 91108 and that you are prohibited from communicating with Mr. Shieh in any manner, knocking the door, ringing the bell or doing anything at that property because Mr. Shieh is represented by counsel in this and all other actions and because your action is illegal and not welcome. Therefore, no pleadings or any papers should be served at that address. We want to make sure whether Mr. Garcia is an employee of Quinn, Kully and Morrow.

Any violation will force us to take

necessary actions to protect our client's interests.

Very truly yours,

James L. Andion

cc: Clerk, Department 23
Clerk, Department 14
San Marino Police Department

APPENDIX L

Law Office of James L. Andion
301 N. Lake Ave., Ste. 720D
Pasadena, CA 91101
(818) 405-0344

June 10, 1993

Via Fax (213) 481-3771
And Regular Mail

Mr. Vincent Smith
First Legal Support Services
1511 W. Beverly Blvd.
Los Angeles, CA 90026
T: (213) 481-7191

Re: Harassment and Intrusion of Privacy ,David Garcia, D. Jay Ritt, David Eisen and Peter Mason, et al. Shieh v. Ebershoff,D.Jay Ritt, et al. BC 061170

Dear Mr. Smith:

On May 26, 1993, I sent David Garcia a letter strongly objecting to his criminal activities under the directions of Defendants D. Jay Ritt, David Eisen and Peter Mason at 1829 S. Euclid Ave., San Marino, CA, 91108. At approximately 9:00pm, Mr. Garcia turned on his car's headlights facing Dr. Shieh's residence, knocked the windows all over the house, in addition to all criminal activities stated in my letter of May 26, 1993. Such criminal activities not only disturb Dr. Shieh's family members, but also Dr. Shieh's neighbors. It is a breach of peace and other crimes. Mr. Garcia also shouted that "I know you have a baby". The house is fully covered by screens. You have no way to see if there is a baby unless you have committed certain crimes.

Inspite of the May 26, 1993

letter, you have taken the same instructions from D. Jay Ritt, David Eisen and Peter Mason. You have done exactly the same things on June 9, 1993, at approximately 8:30pm. You shouted that "I know you have a baby." Whether Dr. Shieh has a baby or not has nothing to do with your business. Your repeated criminal activities have forced us to take certain legal actions against you, Ritt, Eisen and Mason.

You misrepresented to Sergeant Hadsell that you were serving Dr. Liang-Houh Shieh, plaintiff in the above captioned case. You have been informed that Dr. Shieh is represented by lawyers and that all service must be done through his lawyers. Let me repeat one more time: all service upon Dr. Shieh, as a party, must be done through me. For those

service upon Dr. Shieh, as a lawyer for his clients, you must also serve me, from now on, until Dr. Shieh informed you of the P.O.Box no. In other words, from now on, no one should ever come to 1829 S. Euclid Ave., San Marino to serve documents. Defendants D. Jay Ritt, David Eisen and Peter Mason have clear knowledge that Dr. Shieh is represented by counsel and that all of the pleadings should be served upon his counsel at 301 N. Lake Avenue, Suite 720D, Pasadena, CA 91101. There is no need to serve Dr. Shieh personally.

Apparently Defendants Ritt, Eisen and Mason intentionally conspired with your company and consistently used the intrusive and same criminal activities against Dr. Shieh.

June 9, 1993 is a conspiring date for Defendants Ritt, Eisen and Mason. Two other incidents occurred in the same afternoon.

Please provide us with a detailed explanation as to your company's service of any and all pleadings at 1829 S. Euclid Ave., San Marino, CA 91108 in the past.

You are hereby notified that you, your company, Ritt, Eisen and Mason and their firms, their firm's partners, shareholders and employees (collectively "You and Your Conspirators") are strictly prohibited from access to 1829 S. Euclid Ave., San Marino, CA 91108, and that you are prohibited from communicating with Dr. Shieh and his family members in any manner, knocking on the door, ringing the

bell or doing anything at the San Marino Address. Any service upon Dr. Shieh, or his family members as a party or third party, must be through me, at the Pasadena office. Any service upon Dr. Shieh, as a lawyer for his clients, must be done through his P.O.Box no. to be announced soon and must be done through me before you have received any announcement from Dr. Shieh or from Your Conspirators.

Any further violations will be reported to the police.

Very truly yours,

James L. Andion

cc: Clerk, Department 14
Clerk, Presiding Judge of the Los Angeles Superior Court Clerk,

Presiding Judge of the Orange Superior Court
Clerk, Presiding Justice of the Second Appellate District
Clerk, Presiding Justice of the Fourth Appellate District

bcc: Sergeant Hadsell
San Marino Police Department
Case No. 93-0763

APPENDIX M

LAW OFFICE OF JAMES L. ANDION
301 N. Lake Avenue, Suite 720D
Pasadena, CA 91101
(818)405-0344

June 11, 1993

Via Fax (818)
and Regular Mail

Mr. Gary Hollingsworth
55 S. Lake Avenue, Suite 220
Pasadena, CA 91101

Re: Shieh v. Mr. and Mrs. Gary Hollingsworth

Dear Mr. Hollingworth:

This is a follow up of attorney Lucien Schmit's letter addressed to you.

In Attorney Schmit's letter, he specifically prohibited you, your purported wife (for immigration or otherwise) and the agents working on your

and your wife's behalf (collectively "Your agents") from harassing Dr. Shieh and his family members in any way. Unfortunately, you, your wife and/or Your Agents have continued to harass Dr. Shieh and his family members for nearly one year. Your wife or Your Agents even pretended to be an employee of a bank and called Dr. Shieh for the purpose of harassment. A lot of phone calls were made to him and his family members.

On June 9, 1993, you and your wife intruded into the offices without permission. You and your wife were asked why you were in the offices, and you and your wife lied to them by claiming that you had an appointment to discuss the "banking matter".

First of all, the offices and my

office are not open to the public to enter whenever they want. No one is allowed to enter the offices and my office without prior telephone appointment and permission. Even a registered server, who fails to call me for an appointment and for my permission, is not allowed to enter into the offices and my office. You and Your Agents are strictly prohibited from gaining access and any intrusion to the offices at 301 N. Lake Avenue, Suite 720 at Pasadena, and to the residence at 1829 S. Euclid Ave., San Marino, CA 91108. You have been repeatedly informed that no "trespass and/or solicitation" to the above-mentioned two addresses are allowed without my prior knowledge and consent.

Secondly, your and your wife's lie that you wanted to discuss banking matters suggests that the harassment phone calls

were made by you.

Third, as you have already known, I am Dr. Shieh's attorney of record in all of Dr. Shieh's lawsuits against you and your wife. You are not allowed to speak, contact or serve any kind of documents upon Dr. Shieh and/or his family members without my prior knowledge and consent. In each case, whether or not it is prior judgment or post judgment proceedings, both are pending on the appeals, you must contact me first if I am authorized to accept any documents on behalf of Dr. Shieh. Only when I specifically inform you that I don't have the authority, then you can serve upon Dr. Shieh in the legal manner to his new address to be announced soon.

On June 9, 1993, in the afternoon,

you and your wife assaulted Dr. Shieh by throwing papers at his face, insulted him with the profanity of "son of bitch", and physically attacked and battered him. All of this absurd and outrageous behaviour was believed to be in retaliation for Dr. Shieh's legal action against both of you for your unprofessional conduct and criminal actions. As a result of your assault and battery, Dr. Shieh has suffered injury. You and your wife would be held responsible for the following criminal actions, which includes, but not limited to:

1. Physical & mental harassment;
2. Intrusion to right of privacy;
3. Defamation;
4. Assault and battery;
5. Perjury;

6. Breach of Peace; and

7. Theft.

While the litigation is in process between you, your wife and Dr. Shieh, I respectfully urge you to conduct yourself in a professional manner.

Finally, please be advised that had you not conspired with Dr. Shieh's opposing parties and their counsels to breach your professional duty, this litigation would have never occured.

Sincerely Yours,

James L. Andion
Attorney for L. Shieh

bcc: Ms. Cheryl A. Lottie
Police Officer
Pasadena Police Department
207 N. Garfield Avenue
Pasadena, CA 91101
Case No. 93041364

APPENDIX N

LABOR COMMISSIONER, STATE OF CALIFORNIA
DIVISION OF LABOR STANDARDS ENFORCEMENT
107 S. BROADWAY, ROOM 5015
LOS ANGELES, CA 90012

LOS ANGELES MUNICIPAL COURT
COUNTY OF LOS ANGELES
LOS ANGELES JUDICIAL DISTRICT

FILED ON DEMAND
DUPLICATE ORIGINAL FILED
MUNICIPAL COURT NOV. 18 - 1993
LOS ANGELES JUDICIAL DIST.
EDWARD M. KRITZMAN, CLERK
BY PAUL GORNICK, CIVIL DIVISION

COURT CASE NUMBER 93K41841

PLAINTIFF ANDREW CASTELLANO
DEFENDANT LIANG-HOUH SHIEH, AN INDIVIDUAL

STATE CASE NUMBER 06-11390-004-175

REQUEST THAT CLERK ENTER JUDGMENT AND JUDGMENT ON FINAL ORDER, DECISION OR AWARD OF THE LABOR COMMISSIONER

The Order, Decision of Award of the Labor Commissioner has become final and the clerk is requested to enter judgment immediately in conformity with the accompanying certified copy.

LABOR COMMISSIONER, STATE OF CALIFORNIA

BY _____

A. LEE, Hearing Officer

(signature)

DATED November 18, 1993

JUDGMENT

A certified copy of a final Order, Decision or Award of the Labor Commissioner has been filed with this

court. Judgment therefore is entered as follows:

PLAINTIFF RECOVER FROM DEFENDANT:

$2109.67 for wages and interest thereof pursuant to Labor Code Section 98.1(c);

$8653.80 for additional wages accrued pursuant to Labor Code Section 203 as a penalty, and that same shall not be subject to payroll or other deductions;

$10763.47 TOTAL AMOUNT OF PLAINTIFF'S AWARD

$44.39 for post decision interest pursuant or Labor Code Section 98.1(c);

$80.00 for filing fee, pursuant to Labor Code Section 101 et seq.;

$10887.86 TOTAL AMOUNT OF JUDGMENT.

I certify this to be a true copy of the judgment entered on November 18, 1993.

Clerk, By EDWARD M. KRITZMAN
PAUL GORNICK Deputy
Clerk

APPENDIX O

LABOR COMMISSIONER, STATE OF CALIFORNIA

DIVISION OF LABOR STANDARDS ENFORCEMENT

107 S. BROADWAY, ROOM 5015

LOS ANGELES, CA 90012

LOS ANGELES MUNICIPAL COURT

COUNTY OF LOS ANGELES

LOS ANGELES JUDICIAL DISTRICT

FILED ON DEMAND

DUPLICATE ORIGINAL FILED

MUNICIPAL COURT JAN. 4 - 1994

LOS ANGELES JUDICIAL DIST.

EDWARD M. KRITZMAN, CLERK

BY PAUL GORNICK, CIVIL DIVISION

COURT CASE NUMBER 94K00754

PLAINTIFF YVONNE LUU

DEFENDANT LIANG-HOUH SHIEH, AN INDIVIDUAL

STATE CASE NUMBER 06-11390-006-175

REQUEST THAT CLERK ENTER JUDGMENT AND JUDGMENT ON FINAL ORDER, DECISION OR AWARD OF THE LABOR COMMISSIONER

The Order, Decision of Award of the Labor Commissioner has become final and the clerk is requested to enter judgment immediately in conformity with the accompanying certified copy.

LABOR COMMISSIONER, STATE OF CALIFORNIA

BY _____

A. LEE, Hearing Officer

(signature)

DATED DECEMBER 30, 1993

JUDGMENT

A certified copy of a final Order, Decision or Award of the Labor Commissioner has been filed with this

court. Judgment therefore is entered as follows:

PLAINTIFF RECOVER FROM DEFENDANT:

$3175.72 for wages and interest thereof pursuant to Labor Code Section 98.1(c);

$2769.30 for additional wages accrued pursuant to Labor Code Section 203 as a penalty, and that same shall not be subject to payroll or other deductions;

$5945.02 TOTAL AMOUNT OF PLAINTIFF'S AWARD

$88.27 for post decision interest pursuant or Labor Code Section 98.1(c);

$80.00 for filing fee, pursuant to Labor Code Section 101 et seq.;

$6113.29 TOTAL AMOUNT OF JUDGMENT.

I certify this to be a true copy of the judgment entered on January 4, 1994

Clerk, By EDWARD M. KRITZMAN

PAUL GORNICK Deputy

CLERK

APPENDIX P

LABOR COMMISSIONER, STATE OF CALIFORNIA
DIVISION OF LABOR STANDARDS ENFORCEMENT
107 S. BROADWAY, ROOM 5015
LOS ANGELES, CA 90012

LOS ANGELES MUNICIPAL COURT
COUNTY OF LOS ANGELES
LOS ANGELES JUDICIAL DISTRICT

FILED ON DEMAND
DUPLICATE ORIGINAL FILED
MUNICIPAL COURT JAN. 6 - 1994
LOS ANGELES JUDICIAL DIST.
EDWARD M. KRITZMAN, CLERK
BY PAUL GORNICK, CIVIL DIVISION

COURT CASE NUMBER 94K01534

PLAINTIFF GERALD V. HOLLINGSWORTH, JR.
DEFENDANT LIANG-HOUH SHIEH, AN INDIVIDUAL

STATE CASE NUMBER 06-11390-007-175

REQUEST THAT CLERK ENTER JUDGMENT AND JUDGMENT ON FINAL ORDER, DECISION OR AWARD OF THE LABOR COMMISSIONER

The Order, Decision of Award of the Labor Commissioner has become final and the clerk is requested to enter judgment immediately in conformity with the accompanying certified copy.

LABOR COMMISSIONER, STATE OF CALIFORNIA

BY _____

A. LEE, Hearing Officer

(signature)

DATED January 5, 1994

JUDGMENT

A certified copy of a final Order, Decision or Award of the Labor Commissioner has been filed with this

court. Judgment therefore is entered as follows:

PLAINTIFF RECOVER FROM DEFENDANT:

$3516.27 for wages and interest thereof pursuant to Labor Code Section 98.1(c);

$5999.70 for additional wages accrued pursuant to Labor Code Section 203 as a penalty, and that same shall not be subject to payrollor other deductions;

$9515.97 TOTAL AMOUNT OF PLAINTIFF'S AWARD

$101.32 for post decision interest pursuant or Labor Code Section 98.1(c);

$80.00 for filing fee, pursuant to Labor Code Section 101 et seq.;

$9697.29 TOTAL AMOUNT OF JUDGMENT.

I certify this to be a true copy of the judgment entered on January 12, 1994

Clerk, By EDWARD M. KRITZMAN
PAUL GORNICK Deputy
Clerk

APPENDIX Q

CALIFORNIA CODE OF CIVIL PROCEDURE

SECTION 391

391. Definitions

(a) "Litigation" means any civil action or proceeding, commenced, maintained or pending in any state or federal court of record.

(b) "Vexatious litigant" means a person who does any of the following:

(1) In the immediately proceeding seven-year period has commenced, prosecuted or maintained in propria persona at least five litigations other than in a small claims court that have been (i) finally determined adversely to the person or (ii) unjustifiably permitted to remain pending at least two years without having been brought to trial or hearing.

(2) After a litigation has been finally determined against the person,

repeatedly relitigates or attempts to relitigate, in propria persona, either (i) the validity of the determination against the same defendant or defendants as to whom the litigation was finally determined or (ii) the cause of action, claim, controversy, or any of the issues of fact or law, determined or concluded by the final determination against the same defendant or defendants as to whom the litigation was finally determined.

(3) In any litigation while acting in propria persona, repeatedly files unmeritorious motions, pleadings, or other papers, conducts unnecessary discovery, or engages in other tactics that are frivolous or solely intended to cause unnecessary delay.

(4) Has previously been declared to be a vexatious litigant by any state or federal court of record in any action or proceedings based upon the same or substantially similar facts, transaction, or occurrence.

(c) "Security" means an undertaking to assure payment, to the party for whose benefit the undertaking is required to be furnished, ...

(d) "Plaintiff" means the person who commences, institutes or maintains a litigation or causes it to be commenced, instituted or maintained, including an attorney at law acting in propria persona.

(e) "Defendant" means a person (including corporation, association, partnership and firm or governmental entity) against whom a litigation is brought or maintained or sought to be brought or maintained.

391.1

In any litigation pending in any court of this state, at any time until final judgment is entered, a defendant may move the court, upon notice and hearing, for an order requiring the plaintiff to furnish security. The motion must be based upon the ground, and supported by a showing, that the plaintiff is a vexatious litigant and that there is no a reasonable probability that he will prevail in the litigation against the moving defendant.

391.6

When a pursuant to Section 391.1 is filed prior to trial the litigation is stayed, and the moving defendant need not plead, until 10 days after the motion shall have been denied, or if granted, until 10 days after the required security has been furnished and the moving defendant given written notice thereof.

391.7

(a) In addition to any other relief provided in this title, the court may, on its own motion or the motion of any party, enter a prefiling order which prohibits a vexatious litigant from filing any new litigation in the courts of this state in propria persona without first obtaining leave of the presiding judge of the court where the litigation is proposed to be filed.

APPENDIX R

SUPERIOR COURT OF THE STATE OF CALIFORNIA,

FOR THE COUNTY OF LOS ANGELES

DEPARTMENT NO. 84	HON. JEROLD A. KRIEGER, JUDGE
LIANG-HOUH SHIEH, Plaintiff, vs. DAVID A. EBERSHOFF, ET AL., Defendants.	NO. BC 061170

TRANSCRIPT OF PROCEEDINGS

February 18, 1993

APPEARANCES:

(See Next page.)

COURTROOM MONITOR: J.S. WILLIAMS

TRANSCRIPTION BY: FOX TRANSCRIPTIONS

THE COURT:...

Here it is prospective application which considers prior acts. I do think, however, that any complaints to the state bar, or probably any bar cannot be considered by this court as they are absolutely privilege and may not be used for anything...

THE COURT:...

I also think that to the extent that other judges may have made comments about Mr. Shieh, those are in some ways irrelevant because they were not findings that he is a vexatious litigant pursuant to the statute. And I think it is only Judge Kakita's finding that is appropriate for subsection 4 purposes.

The others .. I mean I've expressed my view, but I'm .. as to some litigants, but I don't think that means they're vexatious litigants just because I say they are, unless there is an appropriate motion...

APPENDIX S

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF ORANGE
DEPARTMENT 72

SAY & SAY ETC, ET AL	)	ORIGINAL
	)	
PLAINTIFFS,	)	CASE NO.
VS.	)	706439
	)	
DAVID, ETC. ET AL.,	)	
	)	
DEFENDANTS.	)	
	)	

HONORABLE PHILLIP E. COX PRESIDING
REPORTER'S TRANSCRIPT OF PROCEEDINGS
AUGUST 27, 1993

APPEARANCE OF COUNSEL:

FOR THE PLAINTIFFS: LAW OFFICES OF GUY ROLLINS BY: MR. JAMES ANDION, ATTORNEY AT LAW

FOR THE DEFENDANTS: JEFFER, MANGELS, BUTLER BY: SUSAN JONES ATTORNEY AT LAW

DARCI LAKIN, CSR # 5569
PRO TEM COURT REPORTER

THE COURT: THIRDLY, PURSUANT TO THE CASE IN RE FINDING LIANG-HOUH SHIEH. THAT'S L--I-A-N-G DASH H-O-U-H, LAST WORD IS H-I-E-H. AS A VEXATIOUS LITIGANT. CASE NUMBER B0 76978, SECOND APPELLATE DISTRICT, DIVISION ONE. THEY'RE MY BOSSES AS FAR AS I'M CONCERNED, AND I'M GOING TO DO AS THEY SUGGEST IN THE LAST PARAGRAPH.

* * *

THIS ID AN UNUSUAL CASE WHERE THEY'VE EXTENDED IT TO THEM WHEN HE HAS AN ATTORNEY REPRESENTING HIM. AS I TELL YOU, THEY'RE MY BOSS, AND I CAN'T OVERRULE THE DISTRICT COURT OF APPEAL.

* * *

THE COURT: OKAY. SO THAT'S THE RULING. IT'S DISMISSED.

* * *

I, DARCI LAKIN, C.S.R. # 5569, DO HEREBY CERTIFY THAT THE WITHIN AND FOREGOING TRANSCRIPT, CONSISTING OF PAGES 1 THROUGH 6 OF TYPEWRITING, IS A FULL, TRUE AND CORRECT TRANSCRIPT OF MY SHORTHAND NOTES THEREOF, AND A FULL, TRUE AND CORRECT STATEMENT OF THE TESTIMONY OF PROCEEDINGS HAD IN SAID CAUSE.

SIGNATURE
DARCI LAKIN, C.S.R. #5569

APPENDIX T

FILED
Jan. 27, 1994

IN THE COURT OF APPEAL OF
THE STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT
DIVISION THREE

L.Shieh, Say & Say, a California Corp., Plaintiffs and Appellants, vs. David Ebershoff, et al. Defendants and Respondents.	B 075985 (S/C.Ct.No. BC 061170)

On the motions of respondents' and good cause appearing, the appeal filed on April 2, 1993, against Quinne, Kully & Morrow, Jeffer, Mangels, Sheppard, Mullin, Richter & Hampton, Fulbright & Jaworski, and their respective partners, associates and employees is hereby dismissed.

KITCHING, J.

Acting Presiding
Justice

APPENDIX U

SUPERIOR COURT OF CALIFORNIA,

COUNTY OF LOS ANGELES

DATED: 11/17/92 DEPT: 14

HONORABLE EDWARD Y. KAKITA JUDGE

J.BESINAIZ DEPUTY CLERK

HONORABLE JUDGE PRO TEM

ELECTRONIC RECORDING MONITOR

M. LANGIE DEPUTY SHERIFF

E. BANDA LARA REPORTER

==========

=9:00 am BC 054981

L. Shieh VS. Warren Christopher, et al

RELATED TO BC041515

RECUSED: PAUL BOLAND

MARK KENNEY (X) FOR DEFT.

Plaintiff RICHARD HOPKINS (X)

Counsel LUCIEN SCHMIT (X)

D. JAY RITT (X) FOR DEFT.

Defendant KENNETH KINGSHILL (X)

Counsel GARY HOLLINSWORTH (X)

ANDREW CASTELLANO (X)

RICHARD TARLOW (X)

WILLIAM HIGHBERGER (X)

==========

=

NATURE OF PROCEEDINGS:

MOTION OF DEFENDANTS, O'MELVENY & MYERS and GIBSON, DUNN & CRUTCHER PURSUANT TO C.C.P. SECTION 391.1 FOR ORDER REQUIRING SECURITY AND FOR A PRE-FILING ORDER PURSUANT TO C.C.P. SECTION 391.7; MOTION OF DEFENDANT, RICHARD G. TARLOW FOR ORDER REQUIRING PLAINTIFF TO POST SECURITY AS VEXATIOUS LITIGANT; JOINDER OF ABOVE DEFENDANT IN CO-DEFENDANT, O'MELVENY & MYERS' MOTION PURSUANT TO C.C.P. SECTION

391.1 FOR ORDER REQUIRING SECURITY; MOTION OF DEFENDANTS, O'MELVENY & MYERS AND GIBSON, DUNN & CRUTCHER PURSUANT TO C.C.P. SECTION 1987 (C) TO PRODUCE DOCUMENTS;

Motions for orders requiring security and require a pre-filing order are granted. Plaintiff, L. Shieh, is declared a vexatious litigant, pursuant to Section 391(b)(3) and (4). Plaintiff is to post a security of $100,000.00 per defendant and is ordered to obtain a pre-filing order prior to the filing of future litigation.

Remaining matters and future matters are stayed until bonds are posted.

Motions for orders requiring security are continued to December 17, 1992, at 9:00 a.m., in this department to determine if

plaintiff has posted bonds on each defendant or alternatively to dismiss actions as to all defendants in related cases.

Counsel Highberger is to prepare order and give notice

PAGE 1 DEPT. 14

MINUTES ENTERED
11/17/92
COUNTY CLERK

APPENDIX V

SUPERIOR COURT OF CALIFORNIA,

COUNTY OF LOS ANGELES

DATED: 11/17/92	DEPT: 14
HONORABLE EDWARD Y. KAKITA	JUDGE
J.BESINAIZ	DEPUTY CLERK
HONORABLE	JUDGE
PRO	TEM
	ELECTRONIC RECORDING MONITOR
M. LANGIE	DEPUTY SHERIFF
E. BANDA LARA	REPORTER

==========

=9:00 am	BC 059833

SAY & SAY VS. ANDREW CASTELLANO (X)

RELATED TO BC041515

Plaintiff RICHARD HOPKINS (X)
Counsel LUCIEN SCHMIT (X)
WILLIAM HIGHBERGER (X)
FOR DEFT
Defendant RICHARD TARLOW (X)
Counsel GARY HOLLINSWORTH (X)
KENNETH KINSGSHIELL (X)
D.JAY RITT (X)
MARK KENNEY (X)

==========

NATURE OF PROCEEDINGS:

MOTION OF DEFENDANT, FRANCISCA N. ARAIZA TO STRIKE AND FOR SANCTIONS, OR IN THE ALTERNATIVE, FOR AN ORDER REQUIRING SECURITY AND TO REQUIRE A PRE-FILING ORDER; DEMURRER OF DEFENDANT, GARY

HOLLINGSWORTH TO COMPLAINT MOTION OF ABOVE DEFENDANT PURSUANT TO C.C.P. SECTION 391.1 FOR AN ORDER REQUIRING PLAINTIFF TO FURNISH SECURITY AS A VEXATIOUS LITIGANT, AND FOR A PRE-FILING ORDER PURSUANT TO C.C.P. SECTION 391.7; DEMURRER OF DEFENDANT, ANDREW CASTELLANO TO COMPLAIN; MOTION OF ABOVE DEFENDANT PURSUANT TO C.C.P. SECTION 391.1 FOR AN ORDER REQUIRING PLAINTIFF, SHIEH TO FURNISH SECURITY OF $100,000.00 AS A VEXATIOUS LITIGANT AND FOR A PRE-FILING ORDER AGAINST PLAINTIFF, SHIEH, PURSUANT TO C.C.P. SECTION 391.7;

Motion for orders requiring security and require a pre-filing order are granted. Plaintiff L. Shieh, is declared a vexatious litigant pursuant to Section 391(b)(3) and (b)(4), Code of Civil Procedure. Plaintiff is to post a security of $100,000.00 per defendant and

is ordered to obtain a pre-filing order prior to the filing of future litigation.

Remaining matters and future matters are stayed until such bonds are posted.

Motions for orders requiring security are continued to December 17, 1992, at 9:00 a.m., in this department to determine if plaintiff has posted bonds on each defendant or alternatively to dismiss actions as to all defendants in related cases.

PAGE 1 DEPT. 14

MINUTES ENTERED
11/17/92
COUNTY CLERK

APPENDIX W

Original filed

Mar 15, 1993

Los Angeles Superior Court

SUPERIOR COURT OF THE STATE OF CALIFORNIA,

FOR THE COUNTY OF LOS ANGELES

LIANG-HOUH SHIEH, an individual, Plaintiff, vs. DAVID A. EBERSHOFF, ET AL., Defendants.	No. BC 061170 Order Date: February 18, 1993 Time: 8:30 a.m. Dept: 84

...Plaintiff Shieh is required to furnish security in the form of a bond by an admitted insurer (as defined in CCP SS 995.120) for the benefit of the following persons and/or entities in the following amounts:

Fulbright & Jaworski -- $150,000
Quinn, Kully and Morrow -- $150,000
Robert Toms -- $150,000
Eric Lindquist -- $150,000
...

Dated : Mar 15, 1993

Judge Jerold A. Krieger(signature)
Hon. Jerold A. Krieger
Superior Court Judge

Original filed

Mar 15, 1993

Los Angeles Superior Court

SUPERIOR COURT OF THE STATE OF CALIFORNIA,

FOR THE COUNTY OF LOS ANGELES

LIANG-HOUH SHIEH, an individual, Plaintiff, vs. DAVID A. EBERSHOFF, ET AL., Defendants.	No. BC 061170 Order Date: February 18, 1993 Time: 8:30 a.m. Dept: 84

...Plaintiff Shieh is required to furnish security in the form of a bond by an admitted insurer (as defined in CCP SS 995.120) for the benefit of the following persons and/or entities in the following amounts:

Graham & James -- $150,000
Jeffer, Mangels, Butler & Marmaro -- $150,000
...

Dated : Mar 15, 1993

Judge Jerold A. Krieger(signature)
Hon. Jerold A. Krieger
Judge of the Los Angeles
Superior Court Judge

APPENDIX X

The pertinent part of the §834 (now §800) is as follows:

s. 800. Conditions; Security; Motion for Order; Determination

...

(c) In any action referred to in subdivision (b), at any time *within 30 days* (emphasis added) after service of summons upon the corporation or upon any defendant who is an officer or director of the corporation, or held such office at the time of the acts complained of, the corporation or the defendant may move the court for an order, upon notice and hearing, requiring the plaintiff to furnish a bond as hereinafter provided. The motion shall be based upon one or both of the following grounds:

(1) That there is no reasonable possibility that the prosecution of the cause of action alleged in the complaint

against the moving party will benefit the corporation or its shareholders.

(2) That the moving party, if other than the corporation,did not participate in the transaction complained of in any capacity.

The court on application of the corporation or any defendant may, for good cause shown, extend the 30-day period for an additional period or periods not exceeding 60 days.

(d) At the hearing upon any motion pursuant to subdivision (c), the court shall consider such evidence, written or oral, by witnesses or affidavit, as may be material (1) to the grounds upon which the motion is based, or (2) to a determination of the probable reasonable expenses, including attorneys' fees, of the corporation and the moving party which will be incurred in the defense of the action. If the court determines, after

hearing the evidence adduced by the parties, that the moving party has established a probability in support of any of the grounds upon which the motion is based, the court shall fix the amount of the bond, not to exceed fifty thousand dollars ($50,000), to be furnished by the plaintiff for reasonable expenses, including attorneys' fees, which may be incurred by the moving party and the corporation in connection with the action, including expenses for which the corporation may become liable pursuant to Section 317. A ruling by the court on the motion shall not be a determination of any issue in the action or of the merits thereof. If the court, upon the motion, makes a determination that a bond shall be furnished by the plaintiff as to any one or more defendants, the action shall be dismissed as to the defendant or defendants, unless the bond required by

the court has been furnished within such reasonable time as may be fixed by the court." (emphasis added)

[C:\l\eberahof\94sila\s\corp-800.ape]]

APPENDIX Y

CALIFORNIA CODE OF CIVIL PROCEDURE
SECTION 1033.5 (a) (10):

Attorney fees, when authorized by either of the followings:

(A) COntract.
(B) Statute.

APPENDIX Z

DECLARATION OF RICHARD R. HOPKINS

I, RICHARD R. HOPKINS, declare:

1. I am co-counsel of record in the within action and have personal knowledge of the matters stated herein so that if called as a witness I could competently testify thereto.

2. At a status conference held in the allegedly related action, Fulbright & Jaworski v. Shieh, LASC No. BC 041515, in October, 1992, the matter of a possible reassignment of all of LIANG-HOUH SHIEH's cases to Judge Kakita came up. He indicated that he would not like having all the cases assigned to him and did not even want the within action assigned to him. I indicated we were trying to get them reassigned elsewhere.

3. In light of subsequent events in relation to this, and other cases, Judge Kakita's remarks seem to indicate a desire to rid his calendar of Plaintiff's cases, including the within action, in a manner which might not allow due consideration of the merits. On that basis, I entertain doubts as to Judge Kakita's ability to be imparital in this action.

I declare, under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Dated: November 27, 1992

APPENDIX AA

DECLARATION OF G. LI

I, G. Li, declare as follows:

1. I have personal knowledge of the facts contained herein. If I am called upon as a witness, I could and would competently testify thereto. This declaration does not waive attorney-client privilege, attorney work product, trade secret, right to privacy and any and all rights and privileges.

2. Presently, I am working in the Law Office of James L. Andion. I am one of at least six assistants of Mr. Andion. I am working primarily on Say & Say, L. Shieh, v. Castellano, Hollingsworth, Yuen, Rusch, Araiza, etc. ("Castellano") and other cases, in which these defendants are parties. Virtually all, if not all,

documents, pleadings and correspondences are researched, drafted, organized and prepared by me.

3. Among other documents, I researched, drafted and organized the Petition For Writ of Mandate/prohibition concerning (1) body attachment without bail, and (2) contempt and alter ego (both were filed with Division One), as well as correspondences with the courts and opposing counsel. I also prepared this Petition For Rehearing concerning Division One' erroneous declaration of Defendant Shieh in the Fulbright case as a vexatious litigant. After doing hours of individual research and preparing the pleadings, the documents were given to Mr. Andion. After Mr. Andion reviewed and revised the documents, and checked the facts and legal authorities, the documents were rushed to

the Court. Sometimes, we missed the deadlines. During his absence, all documents were faxed to Mr. Andion for his review and revision.

3. I received my legal education in both my native country and the United States. Since English is not my first language, documents prepared by me may contain certain grammatical and typographical errors. These errors are especially unavoidable when the court declines our requests for an extension of time to prepare documents. I have worked diligently in order to meet the deadlines. Often this includes working through the night until the next day, and through the weekends. I have consistently worked approximately ten (10) hours per day and sixty (60) hours per week on the cases related to defendants in Castellano cases. But, I am still unable to handle all of

these cases. Mr. Andion's other assistants have to work on the cases when I am too busy to handle all of them.

4. There are approximately four groups of cases: Castellano defendants' cases, O'Melveny & Myer's group cases ("OMM cases"), Ebershoff Group cases and cases other than the above three groups. Although I have consistently spent approximately 60 hours per week, I am unable to handle all cases in any of the above group of cases. It is not pragmatic for anyone to handle all of the above four groups of cases. It is not pragmatic for Mr. Shieh to handle any of four groups of cases. It is absolutely impossible for Dr. Shieh to handle all four groups of cases. The allegation that Dr. shieh is in pro per is absolutely nonsense and unrealistic.

5. I have made several phone calls

to Division One's clerk, as well as those in other Divisions in the Court of Appeal in regards to various matters.

6. I have prepared various pleadings and correspondence filed with Division One and other Divisions of the Court of Appeal and other courts.

7. My birth places, and basic legal education are different from Dr. Shieh. In the United States, I did not attend Yale Law School. But I attended one of the best law schools in the United Sates. My "syntax, grammar, style and tone" are different from Dr. Shieh. The allegation that my "syntax, grammer, style and tone" are the same as Dr. Shieh's is absolutely nonsense, false and frivol99ous.

8. Dr. Shieh was neither involved in the research nor preparation of the

documents. He is one of Mr. Andion's clients.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed in Los Angeles County, California on August 24, 1993.

G. Li

APPENDIX BB

DECLARATION OF M. Ma

I, M. Ma, declare as follows:

1. I have personal knowledge of the facts contained herein. If I am called upon as a witness, I could and would competently testify thereto. This declaration does not waive attorney-client privilege, attorney work product, trade secret, right to privacy and any and all rights and privileges.

2. Presently, I am working in the Law Office of James L. Andion. I am one of at least six assistants of Mr. Andion. I am working primarily on Fulbright v. Shieh, PAJ Corp. Chien and Hollingsworth ("FJ"), Chien v. Hathaway, et al. (federal court case), PSJ, et al. v. Hathaway, et al. and other cases, in which FJ are

parties (collectively "Hathaway Group Cases"). Virtually all, if not all, documents, pleadings and correspondences are researched, drafted, organized and prepared by me.

3. Among other documents, I researched, drafted and organized the Petition For Writ of Mandate/Prohibition concerning $100,000.00 sanctions and correspondences with the court and opposing counsel. I prepared the Opening Brief and Appellant Appendix in FJ appeals. I prepared many documents concerning Division One's declaration of Defendant L. Shieh in the Fulbright case as a vexatious litigant. Virtually all, if not all, documents submitted to Division One were researched, drefted and prepared by me. After doing hours of individual research and preparing the pleadings, the

documents were given to Mr. Andion. After Mr. Andion reviewed and revised the documents, and checked the facts and legal authorities, the documents were rushed to the Court. Sometimes, we missed the deadlines. During his absence, documents were faxed to Mr. Andion for his review and revision.

4. I received my legal education in both my native country and the United States. Since English is not my first language, documents prepared by me may contain certain grammatical and typographical errors. These errors are especially unavoidable I have worked diligently in order to meet the deadles. Often this included working through the night until the next day, and through the weekends. I have consistently worked approximately ten (10) hours per day and sixty (60) hours per week on the

Castellano case. But, I am still unable to handle all of these cases. Mr. Andion's other assistants have to work on the cases when I am too busy to handle all of them.

4. There are several groups of cases. Although I have consistently spent approximately 60 hours per week, I am unable to handle all cases in any of the above groups of cases. It is not pragmatic for anyone to handle all of the above four groups of cases. It is impossible for Dr. Shieh to handle all four groups of cases.

5. I have made several phone calls to Division One's clerk, as well as those in other Divisions in the Court of Appeal in regards to various matters.

6. I have prepared various pleadings and correspondence filed with Division One and other Divisions of the Court of Appeal and other courts.

7. My birth places, and basic legal

education are different from Dr. Shieh. My "syntax, grammar, style and tone" are different from Dr. Shieh's.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed in Los Angeles County, California on August 24, 1993.

M. Ma